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PUBLIC GENERAL STATUTES,

PASSED IN THE

First and Second Year

OF THE REIGN OF HIS MAJESTY

KING WILLIAM the FOURTH

Being the FIRST SESSION of the TENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

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TABLE

OF

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PUBLIC GENERAL ACTS,

1° & 2° GUL. IV.

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I. - - - - - - Ireland.
E. & I. - - - - - England and Ireland.
G.B. - - - - - - Great Britain.
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ANNO REGNI

GULIELMI IV.

Britanniarum Regis,

PRIMO & SECUNDO.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *June*, *Anno Domini* 1831, in the First Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

Being the FIRST SESSION of the TENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. I.

An Act for repealing so much of an Act passed in the Seventh Year of His late Majesty King *George* the Fourth, for paving, lighting, watching, repairing, and otherwise improving *Grosvenor Place*, and other Streets therein mentioned, as relates to the Assessment of the Boundary Fence or Wall of the Garden belonging to *Buckingham House*.

[11th *July* 1831.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for paving, lighting, watching, repairing, and otherwise improving* Grosvenor Place, *and several Streets, Squares, Lanes, and other public Places now existing and which shall hereafter be formed upon certain Grounds in the several Parishes of* Saint George Hanover Square *and* Saint Luke Chelsea, *in the County of* Middlesex, certain Persons were thereby appointed Trustees for carrying the said Act into execution; and the several Streets, Lanes, Ways, Passages, and Places within the Parish of *Saint George Hanover Square*, mentioned in the said recited Act to be situated within the Boundaries or Lines extending from the Common Sewer at *Knightsbridge* called *Westbourne Sewer*, along the Boundary Fence of *Hyde Park*, to the Spot where the Turnpike then lately stood near *Hyde Park Corner*, from thence along the Boundary Fence of the Garden belonging to *Buckingham House* to *Buckingham Gate*, from thence along 7 G. 4. c. 58.

along the Boundary Fence of *Saint James's Park* to the Boundary Line of the Parish of *Saint George Hanover Square* aforesaid, in *James Street*, were, amongst other Streets, Lanes, Ways, Passages, and Places particularly described and set forth in the said Act, declared to be within the Limits of the said Act for the Purposes therein mentioned; and in order to raise Money for carrying the several Purposes of the said Act into execution it was thereby enacted, that One or more Rate or Rates, for the Purpose of paving, stoning, gravelling, repairing, and keeping in repair, watering, lighting, cleansing, and watching the several Roads, Streets, and Places within the Limits of the said Act, and for other Purposes therein mentioned, should be made, levied, or assessed by the said Trustees upon all and every Person or Persons who should inhabit, hold, use, or occupy any House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Workshop, Manufactory, Garden Ground, Land, Tenement, or Hereditament whatsoever, situate, lying, and being within any of the Roads, Streets, or Places, or within the Limits of the said Act, in manner therein mentioned and directed; and it was thereby further enacted, that the King's most Excellent Majesty, His Heirs and Successors, as Owner or Owners of such Part of the Wall or Fence of *Hyde Park* and such Part of the Gates of the same Park as formed Part of the Boundary Line of the Limits of the said Act, and as Owner or Owners of the Wall inclosing the Gardens and Pleasure Grounds of *Buckingham House* which formed other Part of the said Boundary Line, should be liable to be rated and assessed to the said Rates for the Purposes of the said Act, in like Manner as the Owners or Occupiers of Houses, Erections, Buildings, Grounds, and Lands within the Limits and Jurisdiction of the said Act were liable to be rated and assessed: And whereas such Part of the Provision contained in the herein-before recited Act as directs that the King's Majesty, His Heirs and Successors, as Owner or Owners of the Wall inclosing the Gardens and Pleasure Grounds of *Buckingham House*, shall be liable to be rated and assessed to the Rates for the Purposes of the said Act, was inserted therein without the previous Sanction of the King's Majesty, or of the Commissioners of His Majesty's Treasury; and it is therefore expedient that the same should be repealed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Part of the said recited Act of the Seventh Year of the Reign of His said late Majesty King *George* the Fourth as enacts that the King's most Excellent Majesty, His Heirs and Successors, as Owner or Owners of the Wall inclosing the Gardens and Pleasure Grounds of *Buckingham House*, shall be liable to be rated and assessed to the Rates mentioned in the said recited Act, for the Purposes thereof, in like Manner as the Owner or Occupiers of Houses, Erections, Buildings, Grounds, and Lands within the Limits and Jurisdiction of the said Act are liable to be rated and assessed, shall be and the same is hereby repealed.

So much of recited Act as enacts that Buckingham House and Gardens shall be rated, repealed.

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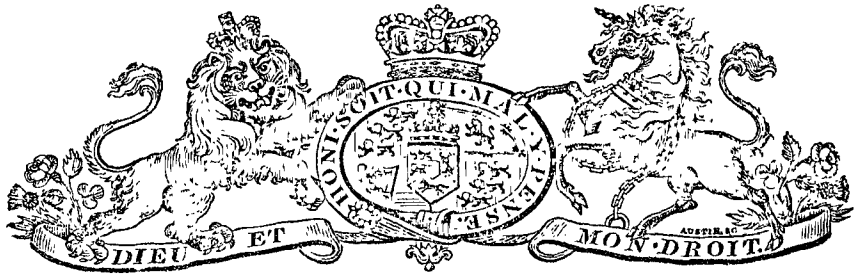

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. II.

An Act to revive and continue expired Commissions, Appointments, Patents, and Grants in *Ireland*; and to indemnify certain Persons in relation thereto. [11th *July* 1831.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to continue for the Term of Six Calendar Months all such Commissions, Appointments, Grants, or Patents of Offices or Employments, Civil or Military, as were in force at the Time of the Demise of His late Majesty King* George *the Fourth, and as have not been superseded, determined, or made void during the Reign of His present Majesty,* it was enacted that all and every Commissions, Appointments, Patents, and Grants, and Commission, Appointment, Patent, and Grant of any Office or Employment, Civil or Military, in force at the Time of the Death or Demise of His late Majesty King *George* the Fourth, and which had not been or should not be superseded, determined, or made void by His present Majesty King *William* the Fourth, before the passing of the said Act, should be and continue and remain in full force and virtue for the Space of Six Calendar Months next after the passing of the said Act, unless the same should be respectively in the meantime superseded, determined, or made void by His present Majesty (whom God long preserve) or His Successors: And whereas divers Commissions, Appointments, Patents, and Grants of Offices and Employments, Civil and Military, so continued by virtue of the said recited Act in force 1 W. 4. c. 6.

in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, have not been superseded, determined, or made void by His present Majesty King *William* the Fourth, but the same became void upon the Expiration of the Term of Six Months for which they were so continued as aforesaid; and it is expedient that such Commissions, Appointments, Patents, and Grants should be revived and further continued in force for the Time and in manner herein-after mentioned; and that all Acts, Matters, and Things which would (if the said Commissions, Appointments, Patents, and Grants had not become void) have been valid and effectual should be confirmed, and that all Persons who may have exercised any Powers or Authorities, or done any Act, Matter, or Thing which they would have been authorized to exercise or do if the said Commissions, Appointments, Patents, or Grants had not become void, should be indemnified; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

All Commissions, &c. in force in Ireland before the Expiration of the Term for which they were continued by 1 W. 4. c. 6. revived and further continued.

That all and every Commissions, Appointments, Grants, or Patents, and Commission, Appointment, Grant, or Patent of any Office or Employment, Civil or Military, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, which at or previous to the Expiration of the said Term of Six Months limited in the said recited Act of the last Session of Parliament were or was in force and effect, shall be and the same are and is hereby revived, and shall continue and remain in full Force and Effect from the passing of this Act until the End and Expiration of Six Weeks from and after the Commencement of the next Session of Parliament, unless the same shall be respectively in the meantime superseded, determined, or made void by His present Majesty (whom God long preserve), or by any Successor of His said present Majesty to whom the Imperial Crown of this Realm is by Law limited or appointed to go, remain, or descend.

All Acts done since the Expiration of the said Commissions, &c. hereby confirmed, and declared legal.

II. And be it further enacted, That all Acts, Matters, and Things done, and all Powers and Authorities used and exercised at any Time since the Expiration of the said Commissions, Appointments, Patents, and Grants, which would, if the said Commissions, Appointments, Patents, and Grants had been in force, have been valid, legal, and effectual, shall be and are hereby confirmed, and declared to be and the same shall be deemed to have been as good, valid, legal, and effectual, to all Intents and Purposes whatsoever, as if the said Commissions, Appointments, Patents, or Grants, or any of them, had not become void, and had been and remained in full Force and Effect.

Actions and other Proceedings against Persons for acting under expired Commissions, &c. discharged.

III. And be it further enacted, That all Personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which may have been or shall be prosecuted or commenced against any Person or Persons for having done any Act, Matter, or Thing, or used or exercised any Powers or Authorities, which it would, if the said Commissions, Appointments, Patents, or Grants had been in force, have been lawful or competent

petent for such Person or Persons to do, use, or exercise, be and the same are hereby discharged and made void; and that if any Action or Prosecution, or any Proceeding, Criminal or Civil, hath been or shall be instituted against any Person, for any such Act, Matter, or Thing, or the Use or Exercise of any such Powers and Authorities, such Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs in any such Action shall become Nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict shall pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her, or their Double Costs, for which he, she, or they shall have the like Remedy as in other Cases in which Costs are given by Law to Defendants.

If any Actions are brought, General Issue may be pleaded.

Double Costs.

IV. And be it further enacted, That if any Action, Suit, or Proceeding hath been or shall be instituted or had in any Court in that Part of the United Kingdom called *Ireland*, for or on account of any such Act, Matter, or Thing, or the Use or Exercise of any such Powers and Authorities as aforesaid, it shall and may be lawful for the Defendant or Defendants in such Action, Suit, or Proceeding to apply to such Court by Motion in a summary Manner to stay all Proceedings thereon; and such Court is hereby authorized and required to examine the Matter of such Application, and upon due Proof thereof to make Order for that Purpose accordingly; and the Court making such Order shall allow and award to the Defendant or Defendants respectively Double Costs for such Proceedings as shall have been had after the passing of this Act, for which he, she, or they shall have the like Remedy as in Cases where Costs are by Law given to Defendants.

Proceedings may be stayed on summary Application.

Double Costs.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. III.

An Act to indemnify Persons who have acted as Deputy Lieutenants in *Scotland* without due Qualification. [11th *July* 1831.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act to raise and establish a Militia Force in* Scotland, whereby the Lieutenants to be appointed for the Counties, Stewartries, Cities, and Places therein mentioned are authorized and empowered to appoint such Persons as they should think fit, being qualified as therein provided, to be their Deputy Lieutenants, with the Powers also therein set forth: And whereas it is provided by the said Act that all Persons to be appointed Deputy Lieutenants (with the Exceptions therein set forth) shall be possessed of an Estate in Property, either in his own Right or the Right of his Wife, of Four hundred Pounds *Scots* of valued Rent, or be the Heir Apparent of a Person possessing such an Estate, and that no Person should be so appointed until he shall have delivered to the Clerk of the Commissioners of Supply of the County or Place for which he should be appointed a specific Description in Writing of his Qualification; and the Clerk of Supply is directed to enter such Qualification in a Roll to be kept for that Purpose, and to cause to be inserted in the *London Gazette* the Dates of the Commissions, and the Name and Rank of the Officers, and to transmit yearly to One of His Majesty's Principal Secretaries of State a complete Account of the Qualifications so left with him; 42 G. 3. c. 91.

and the Secretary of State receiving the same is required to cause Copies to be laid annually before both Houses of Parliament; and every Deputy Lieutenant not having already taken the Oaths, and made, repeated, and subscribed the Declaration, therein described, is required to take such Oath, and make, repeat, and subscribe such Declaration, within Six Months after he shall have accepted his Commission; and all Persons executing the Powers thereby directed to be executed by Deputy Lieutenants (with the Exceptions therein specified), not being qualified, and not having delivered such specific Descriptions of their Qualifications as aforesaid, are thereby rendered liable in the Penalties therein set forth: And whereas sundry Persons not so qualified have been appointed and have acted in the Execution of the said recited Act, and of the other Acts relative to the Militia Force in *Scotland*, and in many Instances the Deputy Lieutenants appointed, although qualified, have failed to deliver their Qualifications as thereby required, and the other Regulations by the said recited Act prescribed in regard to Deputy Lieutenants have not been observed, whereby many Individuals have incurred Penalties, and the said recited Acts have not been duly executed: And whereas it is necessary and expedient that the Persons acting as Deputy Lieutenants, not possessing the Qualifications prescribed by the said recited Act, and otherwise informally appointed as aforesaid, should be indemnified, and that Provision to the Effect after mentioned should be made in relation to the Acts, Matters, and Things done and to be done by such Persons in the Execution of the said Acts of Parliament: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall have been appointed a Deputy Lieutenant of any County, Stewartry, City, or Place in *Scotland*, by the Lord Lieutenant of the said County, Stewartry, City, or Place, and shall have acted as such, and every Person who shall have acted by and under the Authority of such Deputy Lieutenant, shall be and is hereby indemnified for and in respect of any Matter or Thing done by such Person as such Deputy Lieutenant, or by such Person acting by and under his Authority, notwithstanding that such Deputy Lieutenant was not, when appointed, and may not now be, possessed of the Qualification required by the said recited Act, and did not deliver an Account of such Qualification to the Clerk to the Commissioners of Supply, as thereby prescribed, and notwithstanding that all or any of the other Regulations prescribed by the said recited Act in regard to the Appointment of Deputy Lieutenants may not have been observed and fulfilled; and no such Deputy Lieutenants, or such other Persons acting by and under their Authority, shall be liable in any Penalty imposed by the said Act for or in respect of such Deputy Lieutenants having acted in the Execution of the said Act being disqualified, or not having delivered the Qualification as aforesaid.

Deputy Lieutenants indemnified for acting without being possessed of the Qualification required by Law.

All Acts done by such Deputy Lieutenants, or Persons un-

II. And be it further enacted, That every Act, Matter, or Thing done by any such Person appointed Deputy Lieutenant, or by any other Person acting by and under the Authority of such Deputy Lieutenant, as herein-before mentioned, or to be done by such Person

or Persons in the due and lawful Execution of the said Act, until the First Day of *July* One thousand eight hundred and thirty-two, shall be good, valid, and effectual, and shall not be liable to any Question or Challenge for or by reason of such Person not being qualified as aforesaid, or not having performed or observed all or any of the Regulations prescribed and provided by the said Act regarding the Appointment of Deputy Lieutenants, or for or in respect of all or any of such Regulations not having been otherwise performed or observed; any thing in the said Act or in any other Act or Acts to the contrary in anywise notwithstanding. der them, to be good and valid.

III. And whereas Doubts have been entertained as to the Legality of the Orders and Proceedings of certain General Meetings of Lieutenancy held without the previous Notice prescribed by the said recited Act having been given, and it is necessary and expedient that such Doubts should be removed; be it enacted, That all Orders and Proceedings of such Meetings hitherto held, and every thing done in pursuance thereof, shall be equally valid and effectual as if such Notice had been duly given. Proceedings of certain General Meetings of Lieutenancy declared valid.

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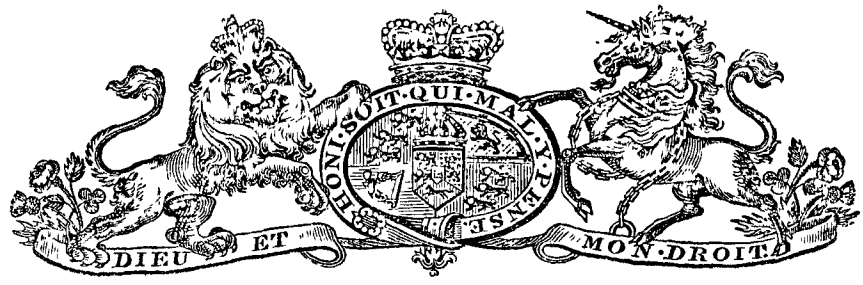

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

CAP. IV.

An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute Declarations in lieu thereof.

[30th *July* 1831.]

WHEREAS by the Laws relating to the Revenues of Customs and Excise numerous Oaths and solemn Affirmations are required to be taken and made by Traders and other Persons; and from the frequent Occasions on which such Oaths and Affirmations are required, and the consequent Number thereof administered, the Reverence and Respect which should attach to such solemn Obligations have been weakened, and their binding Force not duly regarded; and it is therefore expedient to provide for diminishing the Number of such Oaths, and to substitute other Regulations in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where, by any Act or Acts relating to the Revenues of Customs or Excise, any Oath, solemn Affirmation, or Affidavit shall be required to be taken or made by any Person on the doing of any Act, Matter, or Thing, or for verifying any Book, Account, Entry, or Return, or for any other Purpose whatsoever, such Oath, solemn Affirmation,

Where an Oath or Affirmation is now required by any Act relating to the Customs or Excise, a

Declaration shall be made instead thereof, except in the Cases specially provided for.

Affirmation, or Affidavit shall no longer, except in the Cases herein-after specially provided for, be taken, made, or required, but in lieu thereof the Person who would under the Act or Acts of Parliament imposing the same have been required to take or make such Oath, solemn Affirmation, or Affidavit shall, in the Presence of the Commissioners, Collector, or other Person empowered by such Act or Acts of Parliament to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe a Declaration, setting forth the Matters contained, in and to the same Effect as the Oath, solemn Affirmation, or Affidavit which would have been required if this Act had not been passed, and declaring to the Truth thereof; and if any such Declaration shall be untrue in any Particular, the Person making the same shall, over and above every other Penalty to which such Person may become subject, forfeit One hundred Pounds.

Certain Oaths relating to the Customs Revenue excepted.

II. Provided always, and be it further enacted, That nothing herein contained shall extend to any Oath required to be taken on account of any Office relating to the Revenue of Customs, or for the Discharge thereof, nor to any Oath administered upon any Examination or Inquiry made by any Surveyor General of the Customs, or by any Inspector General of Customs, or by any Collector or Comptroller of the Customs, for ascertaining the Truth of Facts relative to the Customs, or the Conduct of Persons or Officers employed therein, or by any Person or Persons in any of the *British* Possessions Abroad, appointed by the Commissioners of His Majesty's Customs to make such Examinations or Inquiry.

Commissioners of Customs may require a written Declaration in lieu of an Oath.

III. And whereas it is expedient that in all Cases where the Commissioners of the Customs may deem it requisite to require Confirmation of any written Statement or Allegation made to them relative to the Seizure of Goods, or of any other Matter relating to their Department, such Confirmation should, instead of being required to be made upon Oath, be made by a Declaration of the Parties in Writing; be it therefore enacted, That in such Cases no Affidavit or Oath shall be required, but that in lieu thereof the Party shall make and subscribe a written Declaration of the Truth of the Statement or Allegation; and if any such Declaration made by any such Person shall be false or untrue in any Particular, the Person making such false Declaration shall forfeit One hundred Pounds.

Certain Oaths relating to the Excise Revenue excepted.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to abolish or in any manner to interfere with the Oath of Allegiance and of Office required to be taken by every Person who shall be appointed a Commissioner, or who shall be appointed to any other Office relating to the Revenue of Excise, or the Affidavit of any Facts showing that any Duty or Duties are in danger of being lost, in order to the issuing of a Warrant by the Collector of Excise for Recovery of such Duties in *Scotland* or *Ireland* respectively; or the Oath required to be made by any Officer of Excise, setting forth the Ground of his Suspicion of Goods forfeited under any Act or Acts relating to the Revenue of Excise being deposited or concealed in any Place, in order to obtaining a Warrant for entering such Place and seizing such Goods;

or any Oath required by any Act to be made by any Person on claiming or receiving any Pension or Allowance; or the Oath required to be made by every Exporter of Goods, before receiving any Drawback from the Revenue of Excise, that he is the real Owner of the Goods exported, and that the Goods are really and *bonâ fide* exported to Foreign Parts and have not been relanded; or the Oaths, by an Act passed in the Twenty-third Year of the Reign of His Majesty King *George* the Third, for the more effectual Encouragement of the Manufacture of Flax and Cotton in *Great Britain*, and by another Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, for continuing the said Act, and to amend the Law in respect of the Allowances of Excise Duties on Starch and Soap used in certain Manufactures, required to be made by every Person claiming Allowances of the Duties on Starch and Soap used in Manufactures; or the Oaths required to be made for obtaining the Allowance of the Duties of Excise on Paper used in printing certain Books in the Universities or by the King's Printer; or the Oaths required to be made for obtaining the Allowance of the Duties of Excise on Materials used in building Churches; or any Oath administered to any Person in any Judicial Proceeding in any Court of Justice, or before the Commissioners of Excise or Justices of the Peace, for Recovery of any Penalty or Forfeiture, or obtaining any Abatement, Return, or Allowance of Duties; but all such Oaths shall continue to be required, and to be made, taken, and administered, as if this Act had not been passed.

Commissioners of Excise may require Accounts of their Officers to be verified on Oath.

V. And be it further enacted, That it shall be lawful for the Commissioners of Excise to require any Collector or other Officer of Excise to verify by Oath any Account or Return rendered by such Collector or other Officer of Excise, of any Monies received or paid or expended or claimed by him; and in case of any Seizure of any Goods or Detection of any Offence, the said Commissioners may, on restoring such Seizure or in forbearing to prosecute for such Offence, or on staying any Proceedings commenced for the Recovery of any Penalty or Forfeiture, require any Facts showing that no Fraud has been committed or intended to be verified on the Oath or Affirmation of any Person, such Oaths or Affirmations respectively to be administered and received by any One of the said Commissioners or by any Justice of the Peace; and every Collector and other Officer, and every other Person, making or taking any such Oath or Affirmation, who shall wilfully and knowingly swear or affirm falsely to any Matter or Thing therein, being duly convicted thereof, shall incur the Pains and Penalty to which Persons are liable for wilful and corrupt Perjury.

Recovery of Penalties.

VI. And be it further enacted, That the Penalties by this Act imposed shall be sued for and recovered in the same Manner and under the same Provisions as any Penalty imposed by any Acts relating to the Revenues of Customs or Excise respectively may by Law be sued for and recovered.

VII. And

Act may be altered this Session.

VII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Commencement of Act.

VIII. And be it further enacted, That this Act shall commence and take effect on the Twenty-ninth Day of *September* One thousand eight hundred and thirty-one.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

CAP. V.

An Act to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments, Parcel of the Duchy of *Cornwall*, or annexed to the same. [30th *July* 1831.]

WHEREAS His most Excellent Majesty now stands seised of the Duchy of *Cornwall* and the Possessions thereof: And whereas some Doubts may arise in relation to His Majesty's making of Leases and Grants of Offices, Lands, and Hereditaments, Parcel of His said Duchy, or thereunto annexed or belonging: For obviating whereof, and for the Ease and Quiet of the Minds of such Persons as have taken or shall hereafter take Leases from His said most Excellent Majesty, and to the end that such Persons may be sure to have good and indefeasible Estates, and be encouraged to lay out Monies in building and repairing or otherwise improving the several Lands and Tenements to them demised or to be demised; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That during such Time as the said Duchy of *Cornwall* shall remain vested in His Majesty, it shall and may be lawful for His Majesty, from Time to Time, by Warrant under His Sign Manual, to be countersigned by any Three or more of the Commissioners of His Majesty's Treasury

His Majesty may authorize certain Persons to grant Leases, &c. of Lands and execute

Appointments in the Duchy of Cornwall.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, to authorize such and so many of the regular Officers of the said Duchy, who by virtue of their several Appointments and Offices are concerned in the general Superintendence and Management of the Revenues and Affairs of the said Duchy, being not more than Five and not less than Three in Number, as His Majesty may think fit, to demise or lease, in His Majesty's Name and on His Majesty's Behalf, by Deed under the Hands and Seals of any Two or more of them, all and every the Manors, Messuages, Parks, Tenements, Lands, and Hereditaments, Parcels of the Possessions of the said Duchy of *Cornwall*, or annexed to the same, provided that the Lessee or Lessees in such Leases respectively to be named do and shall duly execute a Counterpart or Counterparts of the Lease or Leases so to be made to him, her, or them respectively; and also to constitute and appoint, in His Majesty's Name and on His Majesty's Behalf, by Deed or other Instrument executed by any Two or more of them, all such Persons as shall be specially named by His Majesty to be Stewards, Commissioners for assessing the ancient Duchy Lands and Tenements, or other Officers of the said Duchy, during His Majesty's Pleasure, and also to pass the Accounts of all Receivers, Bailiffs, and Collectors accounting for the Revenues of the said Duchy; and all such Leases or Grants so made or to be made of any Manors, Messuages, Parks, Tenements, Lands, or Hereditaments, by virtue of such Warrant, shall be good and effectual in Law, according to the Purport and Contents thereof, against our Sovereign Lord the King, His Heirs and Successors, and against all and every other Person or Persons that shall at any Time hereafter have, inherit, or enjoy the said Duchy, by force of any Act of Parliament, or by other Limitations whatsoever: Provided always, that every such Lease or Grant so made or to be made of any Manors, Messuages, Parks, Tenements, Lands, or Hereditaments, in Possession, be and shall be made for Three Lives or fewer, or for Thirty-one Years or under, or for some Term of Years determinable upon One, Two, or Three Lives, and not above; and if any such Lease or Grant be made in Reversion or Expectancy, that then the same, together with the Estates in Possession, do not exceed Three Lives or the Term of Thirty-one Years, and be not in anywise dispunishable of Waste; and so as upon every such Lease or Grant there be or shall be reserved the ancient or most usual Rent or more, or such Rent as hath been reserved, yielded, or paid for such of the Premises as are or shall be contained therein for the greater Part of Twenty Years next before the making of the said Leases or Grants, and shall be reserved, due, and payable to such as have the Inheritance or other Estate of the said Duchy; and where no such Rent hath been reserved or payable, that then upon every such Lease or Grant there be or shall be reserved a reasonable Rent, not being under the Twentieth Part of the clear yearly Value of the Manors, Messuages, Parks, Tenements, Lands, or Hereditaments contained in such Lease or Grant.

Terms of Leases.

Leases may be granted for building, or improving Wastes.

II. And whereas certain Parts of the said Duchy are capable of considerable Improvement, by the Erection of substantial Buildings thereon, and by the Cultivation of Waste Lands, which cannot be

undertaken

undertaken by the Lessees unless they are secured by the longer Interest in the Premises than Thirty-one Years, or a Term of Years determinable upon Three Lives; be it further enacted, That it shall be lawful for the said Officers of the said Duchy to be named in His Majesty's said Warrant, and they are hereby empowered, by Deed under the Hands and Seals of any Two or more of them, to demise, lease, or grant any Lands, Tenements, or Hereditaments, Parcel of the Possessions of the said Duchy of *Cornwall*, or annexed to the same, for any Term of Years not exceeding the Term of Ninety-nine Years, expressly for the Purpose of improving the same by erecting substantial Buildings thereon, or for the Purpose of improving Waste Lands by Cultivation or otherwise; provided that the Lessee or Lessees in such Leases or Grants respectively to be named do and shall duly execute a Counterpart or Counterparts of the Lease or Leases so to be made to him, her, or them respectively; and further provided, that upon all such Leases or Grants so to be made improved annual Ground Rents be reserved and made payable, and that in all such Cases of Leases or Grants so to be made for Terms exceeding Thirty-one Years, or exceeding the usual Term determinable upon Three Lives, no Fines or other Consideration be taken, further or other than the improved annual Ground Rents hereby directed to be reserved as aforesaid.

Leases to be previously approved by the Treasury.

III. Provided always, and be it further enacted, That the Terms and Conditions of all Leases and Grants to be granted or made under the Provisions of this Act shall be previously approved by the Commissioners of His Majesty's Treasury, or any Three or more of them.

Covenants to be effectual in Law according to their Contents.

IV. And be it further enacted, That all Covenants, Conditions, Reservations, and Agreements contained in every such Lease or Grant made or to be made as aforesaid shall be good and effectual in Law according to the Words and Intent of the same, as well for and against them to whom the Reversion of the said Manors, Messuages, Parks, Tenements, Lands, or Hereditaments shall come, as for and against them to whom the Interest of such Leases or Grants shall come respectively, as if our Sovereign Lord the King's Majesty, at the Time of making such Covenants, Conditions, Reservations, and Agreements, had been or were seised of an absolute Estate in Fee Simple in the same Manors, Messuages, Parks, Tenements, Lands, or Hereditaments.

General Saving.

V. Saving always to all and every Person and Persons, Bodies Politic and Corporate, their Heirs and Successors, Executors, Administrators, and Assigns, (other than His said Majesty, His Heirs and Successors, and other than the Duke and Dukes of *Cornwall* for the Time being, and his and their Heirs, their Lessees, and all and every other Person and Persons that shall hereafter have, inherit, and enjoy the said Duchy of *Cornwall*, by force of any Act of Parliament or other Limitation whatsoever,) all such Rights, Titles, Estates, Customs, Interests, Tenures, Terms, Claims, and Demands whatsoever, of what Nature, Kind, or Quality soever, of, in,

in, to, or out of the said Manors, Offices, Messuages, Parks, Tenements, Lands, or Hereditaments, or any of them, Parcel of or annexed to the said Duchy of *Cornwall*, as they or any of them had or ought to have had before the making of this Act, to all Intents and Purposes, and in as large and ample Manner and Form, as if this Act had never been made; this Act, or any other thing therein contained, to the contrary notwithstanding.

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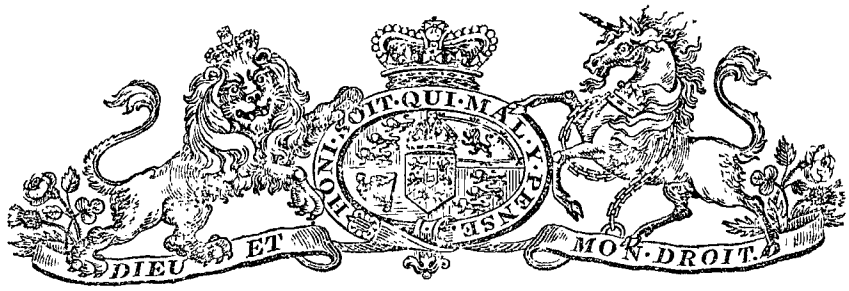

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. VI.

An Act for continuing, until the Thirtieth Day of *June* One thousand eight hundred and thirty-two, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire at the End of the present Session of Parliament.

[30th *July* 1831.]

WHEREAS it is expedient that the several Acts for making, amending, and repairing the Turnpike Roads in *Great Britain*, which will expire at the End of the present Session of Parliament, should be continued for a limited Time; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Roads in *Great Britain*, which will expire at the End of the present Session of Parliament, shall be and the same is and are hereby further continued until the Thirtieth Day of *June* One thousand eight hundred and thirty-two. Continuance of Acts.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. VII.

An Act to continue Compositions for Assessed Taxes until the Fifth Day of *April* One thousand eight hundred and thirty-three, and to grant Relief in certain Cases. [30th *July* 1831.]

1 W. 4. c. 35.

WHEREAS the Duties of Compositions for Assessed Taxes now in force will expire on the Fifth Day of *April* One thousand eight hundred and thirty-two, and it is expedient to continue such Compositions for a further Term of One Year; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties payable under every Contract of Composition for the Duties of Assessed Taxes, and every Contract and Composition respectively now in force, shall be and are hereby respectively continued to His Majesty, to the like annual Amounts now payable, for a further Term of One Year, to determine on the Fifth Day of *April* One thousand eight hundred and thirty-three, to all Intents and under the same Rules and Privileges as if such Compositions did not by the Laws now in force expire before that Day; and all the Powers and Provisions of the several Acts passed relating to and for continuing the Duties of Compositions, and Contracts for collecting the same half-yearly, and for enforcing Payment thereof, shall be extended and applied to the Compositions and Contracts continued under this Act, to all Intents as if the same had been repeated and re-enacted in this Act.

Compositions extended for a further Term of One Year, ending 5th April 1833;

except in Cases where Parties shall give Notice to determine the same on the 5th of April 1832.

II. Provided always, and be it further enacted, That this Act shall not extend to any Person who shall be desirous of determining his or her Composition on the Fifth Day of *April* One thousand eight hundred and thirty-two, and who shall on or before the Tenth Day of *October* One thousand eight hundred and thirty-one give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

Exemption to Stage Coach Proprietors, for Helpers in Stables not belonging to Licensed Inns or Public Houses.

III. And whereas the Acts for granting the Duties on Servants contain Exemptions in respect of Ostlers and Helpers in the Stables of Houses licensed to sell Wine, Ale, or other Liquors by Retail, and it is expedient to extend such Exemptions to Servants so employed in the Stables of Proprietors of Stage Coaches not so belonging to such licensed Houses, in the Cases herein mentioned; be it further enacted, That from and after the Fifth Day of *April* One thousand eight hundred and thirty-one, any Person or Persons duly licensed to keep any Carriage to be used as a Stage Coach or Carriage for the Purpose of conveying Passengers for Hire to and from different Places in *Great Britain*, and who shall duly make a Return and claim the Exemption hereby allowed in the Manner required by the Acts in force, shall be exempt for and in respect of any Ostler or Helper solely and *bonâ fide* employed in the Stables of such last-mentioned licensed Person or Persons, in the Grooming and Care of the Horses, Mares, or Geldings kept and used by him, her, or them for drawing any such Stage Coach or Carriage, and not otherwise.

Exemption for Horses used by licensed Persons for Hire in Carriages drawn by One Horse only.

IV. And whereas by the Laws in force under the Management of the Commissioners of Stamps Persons duly licensed under the Authority of the said Commissioners are made liable to the Payment of certain Rates of Duty for and in respect of any Horse, Mare, or Gelding used by such licensed Persons respectively for drawing any Carriage or Vehicle conveying any Person or Persons for Hire or Profit, not being at separate Fares, as public Stage Coaches: And whereas it is expedient to relieve such licensed Persons in respect of the Duties of Assessed Taxes for the Horse, Mare, or Gelding drawing any such Carriage or Vehicle so licensed and used for Hire, where drawn by One such Horse, Mare, or Gelding only; be it enacted, That from and after the Fifth Day of *April* One thousand eight hundred and thirty-one, where any Person or Persons duly licensed under the Authority of the Commissioners of Stamps shall use or employ any Horse, Mare, or Gelding solely and *bonâ fide* in the drawing any Carriage or Vehicle (not being a public Stage as aforesaid) for conveying any Person or Persons for Hire or Profit, and shall duly pay in respect thereof the Duties imposed by Law on Horses let to Hire under the Management of the said Commissioners, or shall compound for the same according to the Terms and Provisions of the Acts in that Behalf, such Person or Persons shall be exempt from the Duties of Assessed Taxes payable for and in respect of every Horse, Mare, or Gelding so used and employed; provided such Carriage is drawn by One Horse, Mare, or Gelding at a Time, and no more.

V. And

Assessments on Officers in the Army for Horses allowed for the Public Service, to be discharged, on due Returns of all Horses kept by such Officers.

V. And whereas the several Duties on Horses used for riding extend to those kept by Officers in the Army, and allowed for His Majesty's Service, and it has been usual by the Rules of the Public Service to return the Duty for such Horses to each Officer assessed and paying the same: And whereas the Assessment and Collection of the said Duty is attended with unnecessary Expence and Inconvenience; be it further enacted, That in respect of Assessments to be made for any Year commencing from and after the Fifth Day of *April* One thousand eight hundred and thirty-one, any Officer belonging, attached to, and serving in any of His Majesty's Forces shall be relieved from Duty for and in respect of any Horse, Mare, or Gelding, Horses, Mares, or Geldings, *bonâ fide* kept and used by him in the Public Service, to such Amount as the said Duty would, had the same continued to be assessed on and paid by such Officers, have been allowed and reimbursed to such Officer out of the Public Revenue by the Rules of the Service: Provided always, that no Discharge of Duty shall in any Case be made unless the Officer claiming the same shall make a due Return to the Assessors and be assessed for the greatest Number of Horses, Mares, and Geldings kept by him, and shall, in his Claim for Allowance to be made in such Return, state his Christian and Surname, Rank, and Regiment or Service to which he may belong or shall have belonged in the Year to which the Claim shall apply, and which Discharges shall be allowed by the respective Commissioners for and in such Amount of Duty, and no more, as would by the Rules of the Public Service have been returned and reimbursed to such Officer paying the same, in like Manner as other Discharges are authorized by the said Acts.

Act may be repealed this Session.

VI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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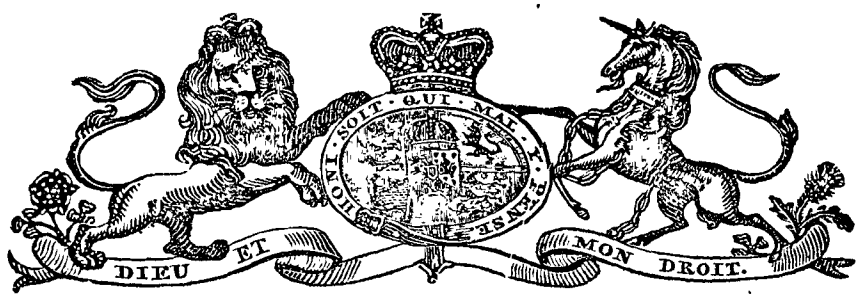

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS

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CAP. VIII.

An Act to suspend, until the End of the next Session of Parliament, the making of Lists, and the Ballots and Enrolments, for the Militia of the United Kingdom. [30th *July* 1831.]

WHEREAS it is expedient to suspend for a further Period the making of Lists, and the Ballots and Enrolments, for the Militia of the United Kingdom; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns or preparing or making out Lists for such Militia, or any Parts thereof, or relating to the ballotting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, except as is herein-after excepted, shall cease and remain suspended until the End of the next Session of Parliament, any thing in any Act or Acts to the contrary notwithstanding.

General and Subdivision Meetings relating to the Militia suspended.

II. Provided always, and be it enacted, That it shall be lawful for His Majesty, by any Order in Council, to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men

Proceedings may be had, during such Suspension, by Order in Council.

for the filling up Vacancies in the Militia of the United Kingdom, or any Part thereof, as His Majesty shall deem expedient; and upon the issuing of any such Order, all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively, relating to the giving Notices for and Returns of Lists, and for the ballotting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively, relating to the Militia and Corps of Miners of *Cornwall* and *Devon*, shall, upon any such Order and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Stannaries.

III. And be it enacted, That this Act, and all the Clauses, Provisions, Directions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries, and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

Act not to make void Proceedings relating to the Militia before a certain Period.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall suspend any such Meetings or Proceedings relating to the Militia as aforesaid that are now or shall be in progress for the filling up the present Vacancies in the Militia of *Great Britain*, in obedience to His Majesty's Order in Council relating to the same, which was issued on the Thirty-first Day of *December* in the Year One thousand eight hundred and thirty, but that all such Meetings and Proceedings in obedience thereto shall continue and be in full Force.

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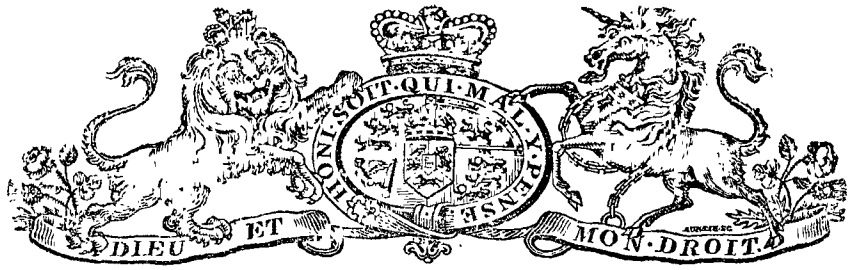

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. IX.

An Act to repeal so much of certain Acts as requires certain Oaths to be taken by Members of the House of Commons before the Lord Steward or his Deputies. [30th *July* 1831.]

WHEREAS by an Act passed in the Fifth Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act for the Assurance of the Queen's Royal Power over all Estates and Subjects within Her Dominions*; and by another Act passed in the Seventh Year of the Reign of His late Majesty King *James* the First, intituled *An Act for administering the Oath of Allegiance and Reformation of married Women Recusants*; and by another Act passed in the First Year of the Reign of Their late Majesties King *William* and Queen *Mary*, intituled *An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths*; it is provided and enacted, that every Person which should thereafter be elected or appointed a Knight, Citizen, or Burgess, or Baron for any of the Five Ports, for any Parliament thereafter to be holden, before he shall enter the Parliament House, or have any Voice there, shall openly receive and pronounce the Oaths required by the said recited Acts to be taken before the Lord Steward for the Time being or his Deputy or Deputies: And whereas by another Act passed in the Thirtieth Year of the Reign of King *Charles* the Second, intituled *An Act for the more effectual preserving of the King's Person and Government by disabling Papists from sitting in either House of Parliament*, and

5 Eliz. c. 1.

7 Jac. 1. c. 6.

1 W. & M. c. 8.

30 Car. 2. st. 2. c. 1.

and by the said recited Act passed in the First Year of the Reign of Their late Majesties King *William* and Queen *Mary*, it is provided and enacted, that no Person that should thereafter be a Member of the House of Commons should vote in the House of Commons, or sit there during any Debate after the Speaker should be chosen, until such Member should solemnly at the Table in the Middle of the said House, and whilst a full House was there duly sitting with their Speaker in his Chair, take the same Oaths so required by the said first-recited Acts to be taken before the Lord Steward or his Deputies: And whereas such Repetition of the same Oaths is unnecessary and inexpedient; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts as requires the said Oaths to be so received, pronounced, and taken by such Knights, Citizens, Burgesses, and Barons, before the Lord Steward for the Time being, or his Deputy or Deputies, shall be and is hereby repealed.

Repealing so much of recited Acts as requires the Oaths to be taken by Members before the Lord Steward.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. X.

An Act to reduce the Salary of the Master and Worker of His Majesty's Mint.

[30th *July* 1831.]

WHEREAS by an Act passed in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to ascertain the Salary of the Master and Worker of His Majesty's Mint*, it was (among other things) provided, that there should be paid to the Master and Worker of His Majesty's Mint a net Salary of Three thousand Pounds *per Annum*, which should be accepted by him in lieu of the Salary and Proportion of Fees, Allowances, and Emoluments theretofore received or retained by the Master and Worker of the Mint for his own Use, and which Salary of Three thousand Pounds *per Annum* should be paid out of the Proportion of Fees, Allowances, and Emoluments therein-after directed to be received and accounted for, if the same should be sufficient for that Purpose, and if the same should not be sufficient, then that such Salary of Three thousand Pounds *per Annum* should be paid and payable in the Manner therein-after appointed for Payment thereof: And whereas it is expedient to reduce the Salary of the Master and Worker of His Majesty's Mint from the Sum of Three thousand Pounds *per Annum* to the Sum of Two thousand Pounds *per Annum*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the 39 G. 3. c. 94.

The Salary of the Master of the Mint reduced from 3,000*l.* to 2,000*l.* per Annum.

the Authority of the same, That from and after the Fifth Day of *April* One thousand eight hundred and thirty-one there shall be paid to the Master and Worker of His Majesty's Mint for the Time being a net Salary at the Rate of Two thousand Pounds *per Annum*, which shall be accepted by him in lieu of the present Salary of Three thousand Pounds *per Annum*; and such net Salary at the Rate of Two thousand Pounds *per Annum* shall be paid out of the same Monies and Funds from which the said Salary of Three thousand Pounds *per Annum* is by the said Act directed to be paid; and the same shall be payable and paid to the Master and Worker of the Mint half-yearly, by equal Payments, that is to say, on the Fifth Day of *April* and on the Tenth Day of *October* in each Year; and in case of his ceasing to hold the said Office he shall be entitled to such proportionate Part of the said Salary as shall have accrued during the Time that he shall have held the said Office.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XI.

An Act for enabling His Majesty to make Provision for supporting the Royal Dignity of the Queen in case She shall survive His Majesty.

[2d *August* 1831.]

Most Gracious Sovereign,

WHEREAS Your Majesty hath been most graciously pleased to signify to Your faithful Commons in Parliament assembled that Your Majesty, trusting to the affectionate Regard of Your faithful Commons for Your Majesty and for the Queen, recommends to their immediate Consideration the making such a Provision as may be adequate to the Maintenance of Her Majesty's Royal Dignity in case She should survive Your Majesty: And whereas Your Majesty's most faithful Commons reflect with the greatest Satisfaction on the most eminent Graces and Endowments of the Royal Partner of Your Throne, and are truly sensible how acceptable it will be to Your Majesty that a good, certain, and competent Revenue be settled for supporting the Honour and Dignity of Her Majesty, Your Royal Consort, in case She should survive Your Majesty, (whose Lives God long preserve): Now we, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, do most humbly, cheerfully, and unanimously beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

His Majesty empowered, by Letters Patent under the Great Seal, to grant unto the Queen an Annuity of 100,000*l.*

That it shall be lawful for the King's most Excellent Majesty, by any Letters Patent or Indenture, or by several Letters Patent or Indentures, under the Great Seal, hereafter to be made, to give and grant to Her said Majesty the Queen, or to such other Person or Persons as His Majesty shall think fit, to be named in such Letters Patent, Indenture or Indentures, and his or their Heirs, to the Use of or in Trust for Her Majesty, One Annuity or yearly Rent or Sum of One hundred thousand Pounds of lawful Money of *Great Britain*; which Annuity or yearly Sum of One hundred thousand Pounds, and every Part thereof, shall commence and take effect immediately from and after the Decease of His Majesty, and continue from thenceforth for and during the natural Life of Her Majesty, and shall be paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at the Four most usual Days of Payment in the Year, that is to say, the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December*, by even and equal Portions, the First Payment thereof to be made at such of the said Days as shall first and next happen after the Decease of His Majesty, in case Her Majesty the Queen shall survive Him as aforesaid; and the said Annuity or yearly Sum of One hundred thousand Pounds shall be charged and chargeable upon and issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, with Preference to all other Payments which shall or may hereafter be charged upon and payable out of the said Fund.

The said Annuity to be paid at the Receipt of His Majesty's Exchequer.

II. And be it further enacted, That the said Annuity or yearly Sum of One hundred thousand Pounds shall be paid and payable at the Receipt of His Majesty's Exchequer; and the Auditor of the said Receipt shall and he is hereby required, by virtue of such Letters Patent, to issue forth and pass Debentures from Time to Time for paying, according to the Direction of this Act, the said Annuity as the same shall become payable, without any Fees or Charges to be demanded or taken for paying the same or any Part thereof; and the said Debentures shall be good and sufficient Discharge for the Payment thereof according to the Intention of this Act, without any further or other Warrant to be sued for, had, or obtained in that Behalf; and the said Annuity or yearly Sum of One hundred thousand Pounds and every Part thereof shall be free and clear from all Taxes, Impositions, and other public Charges whatsoever.

His Majesty empowered also to grant Marlborough House, and the Lodge and Rangership of Bushy Park.

III. And for the better Accommodation of Her Majesty, in case She shall happen to survive His Majesty, be it further enacted, That it shall be lawful for His Majesty, notwithstanding any Restriction contained in any Act or Acts relating to any of the Land or other Revenues of the Crown, by any Letters Patent, Indenture or Indentures, under the Great Seal, to give, grant, settle, or assure all that Capital Messuage or Mansion called *Marlborough House*, situate near the Palace of *Saint James's* in the County of *Middlesex*, with its Rights, Members and Appurtenances whatsoever, and all

and singular Houses, Outhouses, Stables, Coach-houses, Edifices, Buildings, Courts, Yards, Gardens, and Appurtenances whatsoever to the said Capital Messuage or Mansion belonging, and other the Premises or any of them belonging or appertaining, or accepted, reputed, taken, used, or enjoyed as Part, Parcel, or Member thereof, or any Part thereof; and also to give, grant, settle, or assure the Office of Keeper and the Custody of the Park called *Bushy Park* otherwise the *South Park*, in or near *Hampton Court* in the County of *Middlesex*, with its Appurtenances, together with the Office of Housekeeper and Custody of the Capital Messuage or Mansion House of the Honor of *Hampton Court*, with the Appurtenances, and all Houses, Stables, and other Buildings to the same Capital Messuage or Mansion House belonging, so as by such Gifts, Grants, Settlements, or Assurances, or some of them, a good and sure Estate and Interest of and in the said Capital Messuages, Mansions, Offices, and Appurtenances, and the said Lands, Tenements, Hereditaments, and all other the Premises aforesaid, and every of them, be limited, appointed, settled, or assured to or for the Use of or in Trust for Her Majesty, in such Manner that She may have and enjoy the sole Benefit thereof, immediately from and after the Decease of His Majesty, during the Term of Her natural Life, and so as an Estate or Interest be thereby also limited, appointed, settled, or assured to or for the Use of or in Trust for the Executors, Administrators, and Assigns of Her Majesty, to take effect immediately from and after Her Decease, and to continue for One whole Year from thence next ensuing.

The said Letters Patent, &c. deemed good in Law.

IV. And be it further enacted, That all and every the Powers, Precepts, Directions, and Clauses to be contained in His Majesty's Letters Patent or Indenture or Indentures hereafter to be made as aforesaid, for the better and more certain Payment and Assurance of the said Annuity or yearly Sum of One hundred thousand Pounds, and for making the said respective Revenues, or any of them or any Part thereof, liable thereunto as aforesaid, and for granting, conveying, settling, and assuring of the said Capital Messuages, Mansions, Offices, and Appurtenances, Lands, Tenements, Hereditaments, and other Premises, shall be and are hereby enacted to be good and effectual in the Law, according to the Tenor and Purport thereof in the said Letters Patent, Indenture or Indentures, to be expressed, notwithstanding any Restriction or any other Matter or Thing contained in any Act or Acts relating to any Land or other Revenues of the Crown.

General Saving Clause.

V. Saving to all and every Person and Persons, Bodies Politic and Corporate, their Heirs, Executors, Administrators, and Assigns, (other than to the King's Majesty, His Heirs and Successors, and other than to such Person or Persons who do or may stand seised or possessed in Trust for His Majesty, His Heirs and Successors,) all such Right, Title, Interest, and Demand whatsoever which they or any of them have or may have of, in, to, or out of the Revenues aforesaid, or any of them, or of, in, or to the said Capital Messuages, Mansions, and Appurtenances, Lands, Tenements, or Hereditaments as

as aforesaid so to be granted as aforesaid, or any Part thereof, before the making of this Act, as fully and effectually, to all Intents and Purposes, as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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belonging to the same Court, should be inquired into and ascertained; and it is also desirable that the Expediency of erecting into a Parish or Parishes, or uniting to some existing Parish or Parishes, the said Forest of *Dean*, and the Lands lying within the Perambulation and Regard of the said Forest, or such Parts thereof respectively as are extra-parochial, should be inquired into and ascertained: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His Majesty to issue or cause to be issued One or more Commission or Commissions, under the Great Seal of *Great Britain*, or under the Seal of His Majesty's Court of Exchequer at *Westminster*, and thereby to appoint Commissions for the Purposes of this Act, and to authorize and empower the said Commissioners so to be appointed, or any Two of them, to inquire of, ascertain, and distinguish, in manner herein-after mentioned, the Boundaries of the said Forest called The Forest of *Dean*, and of the Lands of His Majesty's Subjects within the same; and to inquire of the Purprestures, Encroachments, and Trespasses on the Soil of His Majesty within the Boundaries of the said Forest; and also to inquire, in manner herein-after mentioned, of the Existence, Origin, and Particulars of the Rights and Privileges claimed by the Persons born within the Hundred of *Saint Briavel's* aforesaid, calling themselves Free Miners; and the said Commissioners, or any Two of them, shall and may and they are hereby authorized and empowered to meet at such Time and at such Place within the said County of *Gloucester* as they or any Two of them shall appoint, and then and there, by the Testimony of Witnesses upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer), and by the Inspection and Examination of Records, Deeds, and Writings, or by any other legal Proof or Evidence, to inquire of and ascertain the Boundaries of the said Forest, and of the Lands and Grounds belonging to His Majesty within the same, and the Boundaries between Lands belonging to His Majesty and Lands of any of His Majesty's Subjects; and in like Manner to inquire of and examine all Claims or Titles that shall or may be made to any Lands, Tenements, or Hereditaments which shall be claimed on behalf of His Majesty, as Purprestures, Encroachments, or Trespasses in or upon the Soil of His Majesty within the said Forest; and also to receive and deliberate upon Offers and Proposals for compromising or settling any Disputes between His Majesty and any other Person or Persons, touching the Boundaries of the said Forest, or of any Lands or Tenements claimed by any of His Majesty's Subjects within the same, or touching any Right, Title, or Interest claimed by any of His Majesty's Subjects to or in any such Lands or Tenements; and also to carry on and prosecute all such other Inquiries as shall enable the said Commissioners from Time to Time to make Reports touching the Premises, in manner herein-after mentioned; and in like Manner to inquire of the Origin of the Rights and Privileges claimed by the Persons calling themselves Free Miners as aforesaid, and to inquire what Qualifications, as to Birth, Occupation, or otherwise, are necessary to entitle any Person to such Rights and Privileges, and of the Nature and Particulars of the said

His Majesty may appoint Commissioners of Inquiry.

Rights and Privileges as now exercised, and also over what Lands within the said Forest or elsewhere such Rights and Privileges extend or are exercised, and of the Variations (if any) in the Manner in which such Rights and Privileges have at different Times been exercised, and of any former Proceedings at Law or in Equity which in the Opinion of the said Commissioners shall tend to ascertain the said Rights and Privileges, and of all such other Matters and Things as in the Opinion of the said Commissioners shall enable them to make One or more Report or Reports touching the said Rights and Privileges, in manner herein-after mentioned; and in like Manner to inquire into the local Limits within which the Jurisdiction of the said Court called the *Mine Law Court* and also of the said Court called *Saint Briavel's Court* respectively exist, the Nature of the Suits which it is competent for the said Courts respectively to entertain, and the Nature and Number of the Suits which are usually brought in the said Courts, the Process by which the Orders and Decrees of the said respective Courts are enforced, the Expence of Proceedings in the said Courts, also into all other Matters and Things necessary for ascertaining the Constitution, Powers, Jurisdiction, and Practice of the said respective Courts; and in like Manner to inquire into the Condition, as to Repairs or otherwise, of the Prison belonging to the said Court called *Saint Briavel's Court*, and the Treatment of and Provision for Persons confined in the same Prison, and the general Management and Conduct thereof; and in like Manner to inquire into the Expediency of erecting and forming into One or more Parish or Parishes, or uniting to or consolidating with any adjoining or other existing Parish or Parishes, the said Forest of *Dean*, and the Lands lying within the Perambulation and Regard of the said Forest, or such Parts of the said Forest and Lands respectively as are extra-parochial.

Treasury may order 500*l.* to be paid to One of the Commissioners for executing this Act, and 300*l.* for Expences, out of the Woods and Forests Revenues.

II. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, to order and direct such Sum or Sums of Money as they in their Discretion may think fit to be issued and paid out of the Woods and Forests Revenues to any One of the Commissioners appointed to carry this Act into execution, as a Remuneration for his Services therein, provided such Sums shall not exceed Five hundred Pounds in any One Year, and of any additional Sum or Sums of Money to defray the Expences incurred by the said Commissioners in the Execution of this Act, such Sum not exceeding Three hundred Pounds, to be paid out of the Woods and Forests Revenues: Provided always, that no more than One of the Commissioners to be appointed under this Act shall receive any Pay or Remuneration for his Trouble in carrying the Provisions of this Act into effect.

Commissioners to take an Oath.

III. And be it further enacted, That the said Commissioners before they shall be capable of acting in the Execution of this Act shall severally take and subscribe an Oath before a Justice of the Peace for the County of *Gloucester*, or before One of the said Commissioners (having

(having first taken the said Oath), to the Effect following; that is to say,

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers reposed in me by an Act of the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for ascertaining the Boundaries of the Forest of* Dean, *and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of* Saint Briavel's, *and for other Purposes*, according to the Tenor and Purport of the said Act. So help me GOD.'

Commissioners may call Persons to give Evidence or produce Records, &c.

IV. And be it further enacted, That it shall be lawful for the said Commissioners to call before them, at one of their Public Meetings, any Person, (including any Judge, Steward, or Officer of the said Court called *Saint Briavel's Court*, and any Gaoler or other Officer of the said Prison,) either to give Evidence or to produce any Records of the said Court, or any other Records or other Documents in his Possession or Custody, not relating to his private Estate, or to the private Estate of any other Person or Persons, and which the said Commissioners shall think necessary or proper to be examined for the Purposes of any of the Inquiries directed by this Act or by the said Commission or Commissions; and any Person (being duly summoned) refusing or omitting to appear or to give Evidence, or to produce such Records or Documents, without reasonable Excuse for such Refusal or Omission, shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after mentioned.

Public Notice to be given of Commissioners Meetings.

V. And to the Intent that no Person may have any just Cause or Pretence for not appearing before the said Commissioners at their Meetings to be held for the Purpose of carrying this Act into execution, be it further enacted, That the said Commissioners shall give public Notice of the Time and Place of every intended Meeting, by Publication of such Notice Fourteen Days at least before such Meeting in the *London Gazette* and in One of the Public Newspapers published in the said County of *Gloucester*, when and where any Person having any Rights or Claims within the said Forest may be at liberty to lay the same before the said Commissioners: Provided always, that the said Commissioners, or any One of them, shall and may from Time to Time adjourn their Meeting to any future Day, and to any Place within the Counties of *Gloucester*, *Hereford*, or *Monmouth*, without giving any public Notice thereof in any Newspaper: Provided always, that every Place of Meeting shall be within Twelve Miles of the Boundary of the Forest of *Dean*.

Meetings may be appointed by any Two Commissioners.

VI. And be it further enacted, That any Two of the said Commissioners so to be appointed as aforesaid shall have full Power and Authority to appoint and hold Meetings for the Purpose of carrying this Act into execution; and that at all Meetings of the said Commissioners under the Authority of this Act, or the said Commission or Commissions, the major Part of the Commissioners then present shall have full Power and Authority to do, exercise, and perform all such

such Acts, Powers, and Authorities, Matters and Things, as in and by this Act, or the said Commission or Commissions to be issued in pursuance thereof, are or shall be directed, authorized, or empowered to be done, exercised, or performed by the said Commissioners.

Proceedings of Commissioners to be entered in Books.

VII. And be it further enacted, That the said Commissioners acting under the said Commission shall be and they are hereby required to cause all their Inquiries, Examinations, and Proceedings under this Act to be fairly entered in Books to be kept for that Purpose, one Book or Set of Books being appropriated to the Inquiries, Examinations, and Proceedings relating to the Rights and Privileges claimed by the Persons calling themselves Free Miners as aforesaid, and another Book or Set of Books being appropriated to the other Inquiries, Examinations, and Proceedings under this Act; all which Books, duly signed and certified by the said Commissioners or any Two of them, shall be returned into the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, there to remain and be kept.

Recovery of Penalties.

VIII. And be it further enacted, That all pecuniary Penalties and Fines imposed by this Act shall and may be recovered in a summary Way before any Justice or Justices of the Peace for the County of *Gloucester*, or for any County, Riding, Division, or Place in which the Person having incurred the same shall happen to be; and in case any Penalty or Fine recovered before any Justice or Justices of the Peace in pursuance of this Act shall not be paid forthwith, it shall be lawful for the Justice or Justices by whom such Fine shall be set or imposed, or before whom such Penalty shall be recovered, by Warrant under his Hand and Seal or their Hands and Seals, and directed by such Justice or Justices to any Constable or other Peace Officer, to cause such Fine or Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and in case no sufficient Distress can be had or made, such Justice or Justices shall, if he or they shall think proper, commit the Offender to the Common Gaol for or some House of Correction within the said County of *Gloucester*, or for such other County, Riding, Division, City, Town, or Place as aforesaid, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months.

Limitation of Actions.

IX. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing by him, her, or them done or executed in pursuance of this Act, or for any Cause, Matter, or Thing herein contained, such Action or Suit shall be commenced within Three Calendar Months next after the Matter or Thing done, and shall be laid in the proper County, and the Defendant or Defendants in such Action may plead the General Issue, and give the Special Matter in Evidence, for his or their Defence; and if upon Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs become non-suited, or discontinue his, her, or their Action or Prosecution, or Judgment shall be given against him, her, or them upon Demurrer or otherwise, then such Defendant or Defendants shall have

Treble Costs awarded to him or them against such Plaintiff or Plaintiffs.

Application of Penalties.

X. And be it further enacted, That all Penalties recovered and all Fines imposed by virtue or in pursuance of this Act shall be, by the Justice or Justices receiving the same, forthwith paid over or transmitted to the Under Steward of the said Forest of *Dean*, to be applied in defraying the Expences attending the Execution of this Act or any other Laws concerning the said Forest.

Commissioners to report to the Treasury respecting the Boundaries of the Forest, the several Rights claimed therein, and other Matters relating thereto.

XI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two of them, and they are hereby required, from Time to Time and in such Manner and Form as shall be in that Behalf specified in any such Commission or Commissions as aforesaid, to report to the Lord High Treasurer or the Lords Commissioners of His Majesty's Treasury the Boundaries of the said Forest, and of the Lands of His Majesty's Subjects within the same, so far as the said Commissioners shall be able to ascertain the same; and also to report what Rights and Interests the Persons occupying or claiming to be interested in Lands or Tenements within the Bounds of the said Forest have or claim therein, and the Origin or alleged Origin of such Rights and Interests, whether by Grant, Custom, or otherwise, in all Cases in which it shall not clearly appear to the said Commissioners that a good Title to such Rights and Interests can be established against the Crown, including in such Report the Particulars of the Rights and Interests of Persons claiming to be Owners of or to have a Right to open or work Quarries, and the Origin, whether by Grant, Custom, or otherwise, of such last-mentioned Rights and Interests (save and except as to the Rights and Privileges claimed by the Persons calling themselves Free Miners as aforesaid, which Rights and Privileges are to be made the Subject of One or more separate Report or Reports, as herein-after mentioned); and also to report the Dates, Value, and other Particulars of all other Purprestures, Encroachments, and Trespasses in and upon the Soil of His Majesty within the said Forest, in all Cases in which it shall not clearly appear to the said Commissioners that a good Title can be established against the Crown; and also to report such Proposals as the said Commissioners shall think it expedient to state, from Persons claiming against His Majesty, for compromising Disputes relating to Boundaries, or for the Disposition or Application of Timber or other Trees or Wood, and to state the Opinion of the said Commissioners as to the Expediency of accepting any such Proposals as aforesaid; and also to report all such other Matters relating to the Property of the Crown in the said Forest, or any Disputes relating thereto, as in carrying on the Inquiries directed by this Act it shall seem to the said Commissioners expedient to state, and also the Opinion of the said Commissioners as to the best Manner of settling such Disputes; and also to report the local Limits within which the Jurisdiction of the said Court called the *Mine Law Court* and also of the said Court called *Saint Briavel's Court* respectively exist, the Nature of the Suits which it is competent for the said Courts respectively to entertain, the Nature and Number of the Suits which are usually brought in the said Courts, the Process by which

the Orders and Decrees of the said respective Courts are enforced, the Expence of Proceedings in the said Courts, and all other Matters and Things necessary for showing the Constitution, Powers, Jurisdiction, and Practice of the said Courts respectively; and also to report the Condition, as to Repairs and otherwise, of the Prison belonging to the said Court called *Saint Briavel's Court*, and the Treatment of and Provision for Persons confined in the same Prison, and the general Management and Conduct of the said Prison; and also to report the Opinion of the said Commissioners on the Expediency of erecting and forming into One or more Parish or Parishes, or uniting to and consolidating with any adjoining or other existing Parish or Parishes, the said Forest of *Dean*, and the Lands lying within the Perambulation and Regard of the said Forest, or such Parts of the said Forest and Lands respectively as are extra-parochial; and also to state the Reasons of the Opinion of the said Commissioners; and also to report all such other Matters relating to the Premises as in any such Commission or Commissions to be issued as aforesaid shall be in that Behalf directed.

Commissioners also to report respecting the Rights of Free Miners.

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two of them, and they are hereby required, at such Time or Times and in such Manner and Form as in any such Commission or Commissions shall be specified, to report to the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury the Opinion of the said Commissioners touching the Origin of the Rights and Privileges claimed by the said Persons calling themselves Free Miners as aforesaid, and touching the Qualifications, as to Birth, Occupation, or otherwise, necessary to entitle any Person to such Rights and Privileges; and also to report what the Nature and Particulars of the said Rights and Privileges are as now exercised, and over what Lands within the said Forest or elsewhere such Rights and Privileges extend or are now exercised, and of the Variations (if any) in the Manner in which the said Rights and Privileges have at different Times been exercised, and also of such Particulars of any former Proceedings at Law or in Equity as in the Opinion of the said Commissioners shall tend to ascertain the said Rights and Privileges; and also to report the Opinion of the said Commissioners whether any such Rights and Privileges legally exist, and whether the Manner in which the said Rights and Privileges are now exercised be warranted by Law, and whether any Rights and Privileges which legally exist are abused, or are made the Cover for illegal Practices, and in what Particular (if any) the present Exercise of the said Rights and Privileges departs from, exceeds, or is inconsistent with the Exercise of the said Rights and Privileges as warranted by Law; and also to report the Opinion of the said Commissioners as to the Steps proper to be taken for settling the Claims of the Persons calling themselves Free Miners; and also to report all such other Matters relating to the Premises as shall be in that Behalf directed by the said Commission or Commissions.

For supplying Vacancies in Commission.

XIII. And be it further enacted, That in case any of the said Commissioners so to be appointed as aforesaid, or any future Commissioner or

or Commissioners appointed as herein-after mentioned, shall die or be removed before the Duties of the Commissioners shall be fully performed, then and so often as the same shall happen it shall be lawful for His Majesty to issue or cause to be issued, under the Great Seal of *Great Britain*, or under the Seal of His Majesty's Court of Exchequer at *Westminster*, One or more Commission or Commissions, and thereby to appoint any other Person or Persons to be a Commissioner or Commissioners in the Place of the Commissioner or Commissioners who shall have died, become incapable, or been removed; and that the surviving or continuing Commissioner or Commissioners (if any), and the Commissioner or Commissioners appointed as last aforesaid, or any Two of them, shall proceed in the Discharge of the Duties imposed by this Act on the Commissioners to be first appointed under the Provision herein-before contained, in the same Manner and with the same Powers and Authorities in all respects as such Commissioners or any Two of them might have done in case such Death, becoming incapable, or Removal, had not taken place.

Reports to be made within Two Years.

XIV. And be it further enacted, That the several Reports to be made by the said Commissioners under the Authority of this Act shall be made within Two Years from the passing of this Act.

Public Act.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XIII.

An Act to repeal an Act of the Nineteenth Year of King *George* the Third, for repealing so much of several Acts as prohibit the Growth and Produce of Tobacco in *Ireland*, and to permit the Importation of Tobacco of the Growth and Produce of that Kingdom into *Great Britain*.

[23d *August* 1831.]

WHEREAS by an Act passed in the Twelfth Year of the Reign of King *Charles* the Second, intituled *An Act for prohibiting the planting, setting, or sowing of Tobacco in England or Ireland*, and by certain other Acts since passed, the setting, planting, or improving to grow, making, or curing any Tobacco, either in Seed, Plant, or otherwise, within the Kingdom of *England* or in the Kingdom of *Ireland*, is prohibited, except in any Physic Garden of either Universities, or in any other private Garden for Physic or Chirurgery, only so as the Quantity planted exceed not One Half of One Pole in any One Place or Garden: And whereas by an Act passed in the Nineteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal so much of several Acts of Parliament as prohibit the Growth and Produce of Tobacco in Ireland, and to permit the Importation of Tobacco of the Growth and* 12 C. 2. c. 34. 19 G. 3. c. 35.

Produce of that Kingdom into Great Britain *under the like Duties and Regulations as Tobacco of the Growth of the* British *Colonies in* America *is permitted to be imported*, so much of the said first-recited Act, and of another Act made in the Fifteenth Year of the Reign of
15 C. 2. c. 7. King *Charles* the Second, intituled *An Act for the Encouragement of Trade*, or of any other Act which prohibited or restrained the setting, planting, or improving to grow, making, or curing Tobacco, either in Plant, Seed, or otherwise, in the Kingdom of *Ireland*, was repealed:
22 G. 3. c. 73. And whereas by an Act passed in the Twenty-second Year of the Reign of His said Majesty King *George* the Third, for explaining the said recited Act, and for permitting the Use and Removal of Tobacco, the Growth of *Scotland*, into *England*, for a limited Time, under certain Restrictions, it was enacted and declared, that the said first-recited Act of the Twelfth Year of the Reign of King *Charles* the Second, and every other Act and Acts which had since passed for prohibiting the Culture of Tobacco in *England*, should extend and be construed to extend to that Part of *Great Britain* called *Scotland*: And whereas it is expedient to repeal the said recited Act of the Nineteenth Year of the Reign of His said Majesty King *George* the Third, and to revive in and extend to *Ireland* the said recited Act of the Twelfth Year of King *Charles* the Second, and of any other Acts since passed for prohibiting the Growth and Culture of Tobacco: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
Recited Act, 19 G. 3. c. 35. repealed; and 12 C. 2. c. 34. revived in and extended to Ireland. and by the Authority of the same, That the said recited Act passed in the Nineteenth Year of the Reign of His said Majesty, for repealing so much of the several Acts as prohibited the Growth and Produce of Tobacco in *Ireland*, shall be repealed; and that the said recited Act of the Twelfth Year of the Reign of King *Charles* the Second, and so much of an Act passed in the Fifteenth Year of the same Reign as imposes certain Penalties on the Growth and Culture of Tobacco in *England* and *Ireland*, and all and every other Act and Acts which have since passed for prohibiting the Growth and Culture of Tobacco in *Great Britain*, shall be revived in and shall extend to and be deemed and construed to extend to *Ireland*; and that it shall not be lawful to plant, set, improve to grow, or cure, either in Seed, Plant, or otherwise, any Tobacco in any Part of the United Kingdom, save and except in the Places and in the Quantities and for the Purposes in the said Acts mentioned and allowed.

Acts to be put in force by Officers of Excise and Customs. II. And be it further enacted, That the several Acts for prohibiting the Growth and Culture of Tobacco shall and may be put in force, in and throughout the United Kingdom, by the Commissioners and by any Officer or Officers of Customs or Excise; and all Sheriffs, Mayors, Bailiffs, and Constables, and every of them, shall act in execution of the said Acts on the Information of any Officer of Excise as well as of any Officer of Customs.

Penalties and Forfeitures to be sued for, and III. And be it further enacted, That the several Penalties and Forfeitures in and by the said Acts of the Twelfth and Fifteenth Years of the Reign of King *Charles* the Second, or by this or any other Act

prohibiting the Growth and Culture of Tobacco, imposed, shall and may be sued for, recovered, and levied, and all Seizures under the said Acts condemned, by the same Means, and in the same Manner, and under the same Rules, Restrictions, and Regulations as any Penalties or Forfeitures may be sued for, recovered, and levied, or any Seizure condemned, under any Act or Acts relating to the Revenues of Customs or Excise; and all such Penalties and Forfeitures shall, when recovered, be applied and disposed of in the same Manner as Penalties and Forfeitures are directed by the said last-mentioned Acts or any of them to be applied and disposed of; and all Tobacco the Growth of any Part of the United Kingdom, and all Snuff made from such Tobacco, seized and condemned, shall be disposed of in the same Manner as Goods prohibited to be imported.

Goods to be condemned, under Acts relating to Customs and Excise.

IV. And be it further enacted, That if any Tobacco the Growth or Produce of any Part of the United Kingdom, manufactured or unmanufactured, or mixed with any Tobacco of Foreign Growth, shall be delivered to, received by, or found in the Possession of any Manufacturer, Dealer in, or Retailer of Tobacco or Snuff, in any Quantity whatsoever, or if any such Tobacco shall be delivered to, or received by, or be found in the Possession of any other Person or Persons whatsoever in any Quantity exceeding One Pound in Weight, or if any Manufacturer or Dealer in or Retailer of Tobacco or Snuff shall manufacture or use any Tobacco of the Growth of any Part of the United Kingdom, or shall mix any such Tobacco with any Tobacco of Foreign Growth, or with any Snuff made from Tobacco of Foreign Growth, or if any Manufacturer, Dealer in, or Retailer of Tobacco or Snuff shall purchase or sell any Tobacco of the Growth of any Part of the United Kingdom, or any Tobacco or Snuff manufactured in the whole or in part from Tobacco the Growth of any Part of the United Kingdom, or if any Person whatsoever shall sell or dispose of any such Tobacco, every such Manufacturer, Dealer, and Retailer and other Person so offending in any of the Cases respectively aforesaid shall for every such Offence forfeit the Sum of One hundred Pounds; and all such Tobacco of the Growth of any Part of the United Kingdom, manufactured or unmanufactured, mixed or unmixed, and all Snuff made wholly or in part from any such Tobacco, shall be forfeited, and may be seized by any Officer of Customs or Excise.

Penalty on having Tobacco the Growth of the United Kingdom in Possession, &c.

V. Provided always, and be it further enacted, That nothing in this Act contained shall impede or hinder, or be deemed or construed to impede or hinder, the Sale, Manufacture, or Consumption of any Tobacco, the Growth of *Ireland*, which shall have been actually grown in *Ireland* before the First Day of *January* One thousand eight hundred and thirty-two; but that it shall be lawful to sell, manufacture, and consume all Tobacco already grown in *Ireland*, or which shall have been actually grown in *Ireland* before the said First Day of *January* One thousand eight hundred and thirty-two, as if this Act had not been passed.

Not to hinder the Sale of Tobacco grown in Ireland before January 1832.

VI. And

Commencement of Act.

VI. And be it further enacted, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and thirty-two.

Act may be amended.

VII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XIV.

An Act for raising the Sum of Thirteen millions six hundred and sixteen thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-one. [23d *August* 1831.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted unto Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen millions six hundred and sixteen thousand four hundred Pounds, in the same or like Manner, Form, and Order,

The Treasury may raise 13,616,400*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Clauses, &c. in recited Act extended to this Act.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Treasury to apply the Money raised.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills to be payable out of Supplies of the next Session.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Bills to be current at the Exchequer after April 5, 1832.

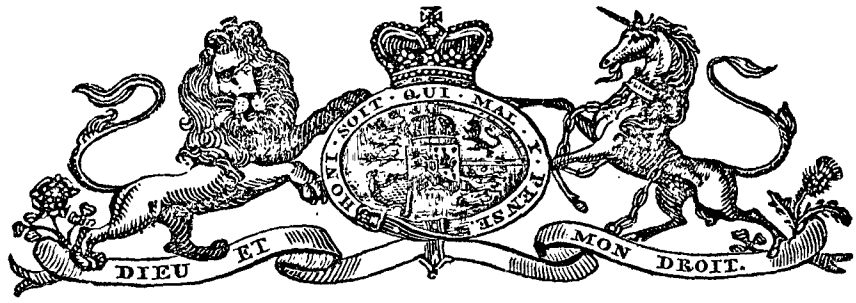
VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and thirty-two, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act, and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

VII. And

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen Millions, any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 13,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1831.



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XV.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the Thirtieth Day of *June* One thousand eight hundred and thirty-two.

[23d *August* 1831.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expences of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland;* and also for making Allowances of Reduced Pay in certain Cases to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied; and also an Allowance to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia, who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters after long Service; be it

 therefore

therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

Rates of Pay. For each Adjutant, Eight Shillings *per Diem*:
For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*:
For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem*:
For each Serjeant having been a Colour Serjeant in One of the Provisional Battalions of Militia, Two Shillings *per Diem*:
For each Serjeant doing the Duty of Quartermaster Serjeant, One Shilling and Ten-pence *per Diem*:
For each Serjeant, One Shilling and Sixpence *per Diem*:
For each Drum Major, where One is appointed in Corps consisting of Eight or more Companies, One Shilling and Sixpence *per Diem*:
For each Drummer, One Shilling *per Diem*:

Rates of Pay when absent on Furlough. Provided always, that when any Serjeant Major, Serjeant, Drum Major, or Drummer shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Clothing. And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major and Serjeant doing the Duty of Quartermaster Serjeant; Three Pounds for each Serjeant; Two Pounds Eighteen Shillings and Seven-pence for each Drum Major and Drummer; and One Pound Seventeen Shillings for each Private Man; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been notified by the Secretary at War: Provided always, that such Serjeant Majors, Serjeants acting as Quartermaster Serjeants, Drum Majors, Serjeants, and Drummers, as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed Once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed Once in Four Years:

Contingent Fund. And also at the Rate of One Penny *per* Month for each Private Man and Drummer or Fifer, for defraying the contingent Expences of each Regiment, Battalion, or Corps.

II. And

Adjutant, &c. to reside where the Arms of the Corps are kept.

II. And be it further enacted, That every Adjutant, Non-commissioned Officer, and Drummer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Arms of the Corps to which they belong are kept, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant, Non-commissioned Officer, and Drummer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers and Drummers at the same Time.

Adjutant to have Charge of the Arms and Clothing; and to issue the Money for contingent Expences, on an Order signed by the Colonel.

Balance to form a Stock Purse.

III. And be it further enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores under the Superintendance of the Colonel or Commandant; and shall, out of the Allowance of One Penny *per* Month for each Private Man and Drummer, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid, he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

In Absence of the Adjutant, the Serjeants, &c. to be under the Command of the Serjeant Major.

IV. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Arms of any Corps of Militia when disembodied are kept, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns, and perform such other Acts, as are by Law required from the Adjutant.

Militia, when called out for Training or Exercise, entitled to Pay.

V. And be it further enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

VI. And

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VI. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations; be it further enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland* and was serving therein when the Corps was disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem*:
To an Ensign, Two Shillings *per Diem*:
And to a Surgeon's Mate or Assistant Surgeon, Two Shilling and Sixpence *per Diem*:

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain-Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VII. Provided also, and be it further enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Oath to be taken to entitle Officers, &c. to such Allowances.

VIII. And be it further enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace of the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Oath.

'I *A. B.* do swear, That I belong to the
' of Militia when the same was disembodied, and that I have
' continued to serve therein from that Time until the
' Day of inclusive, as a [Lieutenant, Ensign,
' Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*]; and
' that I was not in my own Right or in the Right of my Wife, during
' any

'any Part of the Period for which I now claim to receive my 'Allowance, that is to say, from the Day of 'to the Day of both 'inclusive, in the actual Possession and Enjoyment or Receipt of the 'Rents and Profits of Lands, Tenements, or Hereditaments of such 'an annual Value above Reprizes as would qualify me to hold a 'Commission of Captain of a Company in the Militia; that I was 'not in Holy Orders; that I have not during the above Period held 'the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-'master in any Regiment, Battalion, or Corps of Militia; that I did 'not hold or enjoy, nor did any Person for me hold or enjoy, during 'the said Period, any Place, Office, or Employment of Profit, Civil 'or Military, under the Crown or any other Government, besides 'the Allowance of a Day now claimed, except 'my Half Pay as a [of the Army *or* Navy *or* 'Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*], and any Pay and Allowances from the 'to the both Days inclusive, during which 'Period the Corps was assembled for Training and Exercise.

'So help me GOD.'

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces, by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Allowances to Officers reduced in 1829.

IX. And be it further enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act.

Oath to be taken by Officers claiming the said Allowances.

X. And be it further enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace in the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet,*)

Form of Oath.

'I *A. B.* do swear, That I was serving as [Paymaster, Surgeon, *or* 'Quartermaster, *as the Case may be,*] in the of 'Militia, at the Reduction of the Staff of the said Militia in One 'thousand eight hundred and twenty-nine; and that I was not in 'Holy Orders during any Part of the Period for which I now claim 'to receive an Allowance, that is to say, from the Day 'of One thousand eight hundred and to the 'Day of One thousand eight hundred and '; and that I did not hold or enjoy, nor did any Person 'for me hold or enjoy, during any Part of the said Period, any 'Place, Office, or Employment of Profit, Civil or Military, under 'the Crown or any other Government, besides the Allowance of

' a Day, now claimed, except my Half Pay as a
' [of the Army *or* Navy *or* Marines, *or* of a Provisional Battalion
' formed from the Militia, *as the Case may be*], and except my Pay
' and Allowances from the to the both
' Days inclusive, during which Period the Militia
' was assembled for Training and Exercise. So help me GOD.'

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of His Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Corporals and Drummers not to be received while serving.

XI. And whereas certain Corporals and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* were, in pursuance of the Provision of an Act passed during the last Session of Parliament, struck off the Establishment of the Disembodied Staff, and placed on the Out-Pension of Five-pence a Day, although not unfit for further Service; be it further enacted, That no Corporal or Drummer so placed on the Pension of Five-pence *per Diem* shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XII. And be it further enacted, That every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs, during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowance and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the

Commanding Officer may grant Leave of Absence.

Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on taking the Oath, without Certificate of Attendance.

XIII. Provided always, and be it further enacted, That in case any Regiment, Battalion, or Corps of Militia, after the disembodying thereof, and before the Time fixed for the Payment of the said Allowances, shall not be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have taken and subscribed the Oath hereinbefore mentioned before any Justice of the Peace as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XIV. And be it further enacted, That upon such Oaths and Certificates as aforesaid, or, where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Oaths, being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons, their respective Allowances above mentioned, for the usual quarterly or other proper Periods, without any Deduction whatsoever; the Oaths and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XV. And be it further enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong, whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, at such Times or for such Occasions as may be required of them in pursuance of the Laws now in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claims to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVI. And

Allowance not to be paid while the Militia is embodied.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid, to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVII. Provided always, and be it further enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of His Majesty's Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Oath to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c. Non-commissioned Officers or Privates, not to lose their Right to Chelsea Pensions, &c.

XVIII. Provided always, and be it further enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XIX. And be it further enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers and Drummers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers and Drummers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24 Dec. 1814, entitled to receive,

XX. And be it further enacted, That every Adjutant of Regular Militia who shall have been appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall have served faithfully, either in His Majesty's Regular Forces,

Forces, or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, who shall have been or shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases His Majesty's Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant who shall have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who have been or shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance.

after a Service of Twenty Years, if unfit for further Service, an Allowance of 8*s.* per Day;

provided they do not hold certain other Appointments.

Adjutants appointed since 24 Dec. 1814, entitled to receive after Thirty Years Service, &c. an Allowance of 6*s.* per Day.

Right to Half Pay reserved.

XXI. And whereas certain Allowances have been granted to Surgeons and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service; be it further enacted, That such Allowances shall be issued and paid during the

Allowances to Surgeons and Quartermasters.

Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who have by Age or Infirmity been rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Right to Half Pay reserved.

Reduced Adjutants to receive 4*s.* per Day till 24 June 1831.

XXII. And be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as has actually served as Adjutant to such Regiment, Battalion, or Corps, from the Twenty-fifth Day of *June* One thousand eight hundred and thirty-one, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and thirty-two, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who have by Age or Infirmity been rendered unfit for further Service: Provided always, that no such Reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIII. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem;* be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Twenty-fifth Day of *June* One thousand eight hundred and thirty-one to the Thirtieth Day of *June* One thousand eight hundred and thirty-two.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XXIV. And be it further enacted, That every Reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable, together with such Reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such Reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under His Majesty other than such as aforesaid, or under any

Proviso.

other Government, or any Civil Office or Employment under His Majesty or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Restrictions as to Allowances to Reduced Adjutants of the Local Militia.

XXV. And whereas certain Allowances have been granted to Reduced Adjutants of the Local Militia; be it further enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

XXVI. And be it further enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the Execution of an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces of the Tower Hamlets in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expences in the Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for raising a Body of Miners in the* '*Counties of* Cornwall *and* Devon *for the Defence of the Kingdom* '*during the present War*,' *and for the more effectually raising and regulating a Body of Miners for the Defence of* Great Britain, and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised, Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

XXVII. And

Manner of granting Allowances.

XXVII. And be it further enacted, That the said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make Oath to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; *viz.*

Clerks, &c. to make Oath of the Justness of their Accounts.

Oath of a Clerk of General or Subdivision Meetings.

'I do swear, That the preceding Account, so far as 'I regards my Interest therein, is a just and true Account of 'Business performed by me for and in behalf of the Public Service, 'according to the Manner therein set forth; and the Sums claimed as 'disbursed were actually paid by me.'

Oath of a Schoolmaster, Constable, or other Officer in Scotland.

'I do swear, That I am the Parochial Schoolmaster 'I [*or* Constable *or other Officer*] of the District of 'in the Subdivision of the County of ; 'and that the preceding Account is a just and true Account of 'Business actually performed by myself for and in behalf of the 'Public Service, according to the Manner therein set forth; and that 'I was employed on such Business the full Time therein stated; and 'that the Sums claimed as disbursed were actually paid by me.'

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rates specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXVIII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Inrolment; be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Inrolment shall be held, to attend at such Meeting; and every such Surgeon shall before he begins any such Examination take the following Oath, which Oath any Deputy Lieutenant is hereby authorized to administer; *videlicet,*

Oath to be taken by Surgeon.

'I do swear, That I will, to the best of my Ability, 'faithfully and truly report as to the Fitness for Service of the 'Man or Men about to be submitted to my Examination; and that I

'will

'will not receive from any of them any Fee or Reward whatever for 'any such Examination.'

And every such Surgeon shall receive for each Day's Attendance at such Meetings a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment. Allowance to Surgeon.

XXIX. And be it further enacted, That all Sums of Money granted for the Pay, Clothing, Allowances, and contingent and other Expences as aforesaid for the Regular Militia when disembodied, shall be issued and paid, under the Direction of the Secretary at War, according to such Regulations as have been or shall be established on that Head. Pay, &c. to be issued under Directions of the Secretary at War.

XXX. And be it further enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be or shall be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper. Bills drawn for Pay, &c. may be on unstamped Paper.

XXXI. Provided always, and be it further enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act. No Fee to be taken.

XXXII. And be it further enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary for the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief Secretary to the Clerk of the Crown for such County, or at any Time prior to the first Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the first Day of the Presenting Term: Provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such Place. Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County. Provision as to Amount of Rent.

XXXIII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Lord Lieutenant may order the

Arms of Militia of Ireland to be deposited in the Ordnance Stores in Dublin.

Governors of *Ireland* for the Time being (if he or they shall see sufficient Cause for so doing) to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment or Battalion of the said Militia, shall, at any Time while such Regiment or Battalion shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of His Majesty's Ordnance Stores in the City of *Dublin*, or to and in any such Ordnance Store, or to and in any other Place of Security, in any other Part in *Ireland*, as he or they shall from Time to Time order or direct, and under such Rules and Regulations as he or they shall think fit and proper in that Behalf.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXIV. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively and severally repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Continuance of Act.

XXXV. And be it further enacted, That this Act shall take effect and continue in force from the Twenty-fifth Day of *June* One thousand eight hundred and thirty-one until the Thirtieth Day of *June* One thousand eight hundred and thirty-two.

TABLE to which this Act refers.

SCALE of RATES of Remuneration to the Clerks of General and Sub-division Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - -	0	7	6
2. For attending General Meetings, at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, et cætera.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, to return Lists, each - - - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - - -	0	7	6
5. For arranging Subdivision Lists, and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War; the latter Copy to be annexed to the Clerk's Accounts as a Voucher; videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - - 401 to 600 Men - -	4	4	0
Ditto - - - - 601 to 800 Men - -	5	5	0
Ditto - - - 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Inrolment (Schedule E.):			
For engrossing 50 Names and under	0	5	0
Ditto - 51 to 150 Names	0	10	0
Ditto - - 151 to 250 Names	1	0	0
Ditto - 251 Names and upwards	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's Annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps	0	15	0
Ditto - - Two - Ditto	1	10	0
Ditto - - Three - Ditto	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks of those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	2	0	0
Ditto - from 301 to 600 Men	3	0	0
Ditto - from 601 to 900 Men	4	0	0
Ditto - from 901 Men and upwards	5	0	0
10. For Copyings, Correspondence, et cætera, et cætera.			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under	2	0	0
In a County furnishing from 201 to 400 Men	3	0	0
Ditto - - from 401 to 600 Men	4	0	0
Ditto - - from 601 to 800 Men	5	0	0
Ditto - - from 801 Men and upwards	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, et cætera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
TRAINING AND EXERCISE.			
12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for His Majesty's Secretary of State for the Home Department, in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - - -	1	0	0
In Counties in England, Wales, and Scotland, furnishing One Regiment, Battalion, or Corps - -	2	0	0
Ditto - - Two - Ditto - -	3	0	0
Ditto - - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - - -	0	5	0
Or, for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present, vizt For receiving Lists and hearing Appeals, For ballotting, For inrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cætera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised; which Allowance shall be in full for engrossing Minutes and making up Lists - - - - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenants - - - - - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon ballotted Men, each Precept - - - - - - - - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the Ballot, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - - - - - - - -	£2 per 1,000.		
18. For making out the Annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - 50 Men and under - - - -	2	2	0

	£	s.	d.
From 51 to 150 Men - - - -	3	3	0
From 151 to 250 Men - - - - -	4	4	0
From 251 Men and upwards - - -	5	5	0
19. For making out fair and true Copies of Lists of Men inrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County, viz[t]			
For a Roll containing 50 Names and under - -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - - - -	0	15	0
from 251 Names and upwards - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions, vizt			
For a Subdivision furnishing 50 Men and under -	1	10	0
from 51 to 150 Men - - -	2	0	0
from 151 to 250 Men - -	2	10	0
from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cætera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions, vizt			
For a Subdivision furnishing 50 Men and under -	2	0	0
from 51 to 150 Men - - -	3	0	0
from 151 to 250 Men - -	4	0	0
from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cætera, within the Limits of the Subdivision, the various Forms of Schedules, et cætera.			
For a Subdivision furnishing 50 Men and under -	0	5	0
from 51 to 150 Men - - -	0	10	0
from 151 to 250 Men - -	0	15	0
from 251 and upwards - -	1	0	0
TRAINING AND EXERCISE.			
24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - -	0	15	0
from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
from 11 to 30 Names - - -	0	1	0
from 31 to 50 Names - - -	0	2	6
from 51 to 70 Names - - -	0	4	0
from 71 to 100 Names - - -	0	7	0
from 100 upwards - - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Inrolment of all Persons inrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	6
from 21 to 50 Names - - -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - - - -	0	15	0
from 251 and upwards - - - -	1	0	0
26. For correcting the Books of Inrolment of the Subdivision, so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
from 51 to 150 Men - - -	0	10	0
from 151 to 250 Men - - -	0	15	0
from 251 and upwards - - -	1	0	0
ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.			
27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day - - - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - -	0	5	0
ALLOWANCES TO CONSTABLES IN SCOTLAND.			
32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to ballotted and inrolled Men, per Day - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES, applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call a Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expences, not exceeding Nine-pence per Mile, and the Expence of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's Annual Account.

38. The Expence necessarily incurred for the Use of a Room at the Place of Meeting, to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

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shall be payable upon the Exportation thereof the several Duties as the same are set forth in the following Table; (that is to say,)

	£	s.	d.
Coals, not being Small Coals, exported to any Place not being a *British* Possession; *videlicet*,			
—— ——— In a *British* Ship, the Ton - -	0	3	4
—— ——— In a Ship not *British*, the Ton - -	0	6	8
Small Coals, Culm, and Cinders, exported to any Place not being a *British* Possession; *videlicet*,			
—— ——— In a *British* Ship, the Ton - -	0	2	0
—— ——— In a Ship not *British*, the Ton - -	0	4	0

What sort of Coals are to be deemed Small Coals.

III. And be it further enacted, That no Coals shall be deemed to be Small Coals for the Purposes of this Act except such as shall have been screened in manner directed by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to reduce the Duty on the Exportation from* Great Britain *of Small Coals of a certain Description.*

56G.3.c.127.

Duty on Cotton Wool, &c.

IV. And be it further enacted, That from and after the passing of this Act, in lieu of the Duties now payable upon the Importation of Cotton Wool, or Waste of Cotton Wool, the following Duties shall be payable on the Importation thereof; (that is to say,) upon every Hundred Weight of Cotton Wool, or Waste of Cotton Wool, the Produce of any Foreign Country, or imported from any Foreign Country, a Duty of Five Shillings and Ten-pence; and upon every Hundred Weight of Cotton Wool, or Waste of Cotton Wool, the Produce of a *British* Possession, and imported from a *British* Possession, a Duty of Four-pence.

New Duty on Barilla and Alkali from East Indies.

V. And be it further enacted, That in lieu of the Duties now payable upon the Importation of natural Alkali imported from Places within the Limits of the *East India* Company's Charter, and upon the Importation of Barilla, a Duty of Two Pounds for every Ton of such Alkali or of Barilla shall be payable upon the Importation thereof; and such Duty shall take effect as on and from the Fourteenth Day of *December* One thousand eight hundred and thirty.

Additional Duties on Soda in Barilla repealed.

VI. And be it further enacted, That the additional Duties payable on Barilla in respect of the Quantities of Soda or Mineral Alkali contained therein shall be and the same are hereby repealed; and such Repeal shall take effect as on and from and after the Twenty-ninth Day of *May* One thousand eight hundred and nineteen.

Additional Duties on Soda in Alkali from East Indies repealed.

VII. And be it further enacted, That the additional Duties payable upon natural Alkali imported from Places within the Limits of the *East India* Company's Charter, in respect of the Quantities of Soda or Mineral Alkali contained therein, shall be and the same are hereby repealed; and such Repeal shall take effect as on and from and after the Tenth Day of *August* One thousand eight hundred and twenty-eight.

Return of Duty on Barilla used in bleaching.

VIII. And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An*

Act to alter and amend the several Laws relating to the Customs, Provision was made for repaying the Duties of Customs paid on Barilla used before the Fifth Day of *January* One thousand eight hundred and thirty in the Process of bleaching of Linen; and it is expedient to continue such Repayments; be it therefore enacted, That the Provisions made in the said Act for the Repayment of such Duties shall be and the same are hereby revived and continued from the said Fifth Day of *January* One thousand eight hundred and thirty, and made perpetual.

Additional Duty on Bees Wax.

IX. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-two, in addition to the respective Duties now payable on the Importation of Bees Wax, a Duty of One Pound Ten Shillings upon every Hundred Weight of Bees Wax shall be payable on the Importation thereof.

How Rates shall be collected.

X. And be it further enacted, That the several Duties made payable by this Act shall be raised, levied, collected, and paid unto His Majesty, and shall be appropriated in like Manner as if the same had been imposed by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for granting Duties of Customs.* 6 G. 4. c. 111.

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GULIELMI IV. REGIS.

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CAP. XVII.

An Act to provide for the better Order and Government of *Ireland*, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein. [23d *August* 1831.]

WHEREAS His Gracious Majesty has been pleased by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, and His Royal Predecessors have in like Manner used from Time to Time, to appoint, make, ordain, constitute, and depute One Lieutenant General and Governor General of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, commonly called "The Lord Lieutenant of *Ireland*:" And whereas by an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of His Majesty King *George* the First, intituled *An Act to make the Militia of this Kingdom more useful*, Provision was made for the issuing forth Commissions of Lieutenancy for the several and respective Counties, Cities, and Places of *Ireland*, such Commissions to be issued by the King's most Excellent Majesty or those who should be from Time to Time appointed Chief Governor or Governors of that Kingdom: And whereas the said Act, after having been several Times continued, finally expired: And whereas by another Act of the Parliament of *Ireland* passed in the Seventeenth and Eighteenth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for establishing a Militia in this Kingdom*, similar Provisions for the issuing of Commissions of Lieutenancy were made; but the said Act has

2 G. 1. (I.)

17 & 18 G. 3. (I.)

has long since been repealed, and Governors and Deputy Governors have been from Time to Time appointed for the several Counties, Counties of Cities, and Counties of Towns in *Ireland*, and certain Powers and Authorities have been from Time to Time, by several Acts now in force, conferred upon such Governors and Deputy Governors: And whereas it would tend to the better Order and Government of that Part of His Majesty's Dominions, if Lieutenants were appointed for the several Counties, Counties of Cities, and Counties of Towns, to act under the said Lieutenant General and Governor General, or other Chief Governor or Governors of *Ireland*, in like Manner as may have been provided for by the said recited Acts of the Parliament of *Ireland*, and as Lieutenants are appointed for the several Counties, Ridings, and Places in *England*; and it is moreover expedient that the Powers and Authorities of the Governors and Deputy Governors of Counties and Places in *Ireland* should be transferred respectively to the Persons to be appointed to act as Lieutenants and Deputy Lieutenants for the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful, at any Time after the passing of this Act, for His Majesty's said Lieutenant General and Governor General of *Ireland*, commonly called the Lord Lieutenant of *Ireland*, or for any other Chief Governor or Governors thereof, by Letters Patent to be made under the Great Seal of that Part of the United Kingdom called *Ireland*, to substitute, assign, and appoint, under him or them, Lieutenants for the several Counties, Counties of Cities, and Counties of Towns in *Ireland*; and such Lieutenants, and their Deputies to be appointed in manner herein-after mentioned, shall have and exercise, within the Limits of their several and respective Jurisdictions, all and every such Powers and Authorities as by an Act passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act the several Laws for raising and training the Militia of* Ireland, or by any other Act or Acts in force in *Ireland*, the Governors or Deputy Governors of Counties or Places in *Ireland* may respectively have or exercise, or might have had or exercised before the passing of this Act, and shall also have full Power and Authority to do, execute, transact, and perform all and singular the Matters and Things in and by the said Letters Patent to be prescribed, declared, or contained, which to the Lieutenants of His Majesty may in anywise lawfully belong; subject always to such Exceptions, Limitations, and Restrictions as His Majesty may in His Wisdom appoint.

Lord Lieutenant may, by Letters Patent, appoint Lieutenants of Counties, Counties of Cities, and Counties of Towns; who shall have the same Powers as Governors of Counties had heretofore;

49 G. 3. c. 120.

and shall execute the Directions contained in the said Letters Patent.

II. And be it enacted, That from and after the Enrolment of such Letters Patent appointing any such Lieutenant as aforesaid for any County or Place, the Commissions of all and every the Governors and Deputy Governors of such County or Place shall wholly cease and determine, as if the same had been specifically cancelled or revoked; and all Powers, Privileges, and Authorities, Duties, Obligations, and Liabilities vested in or in any manner conferred or attaching upon such Governors and Deputy Governors by any Law, Statute, or

After Issue of such Letters Patent the Powers of Governors and Deputy Governors of Counties to cease and be transferred to

Usage whatsoever, whether appertaining to the Execution of the Laws, the Appointment of inferior Officers, the assembling of the Militia, or any other Concern whatsoever, shall vest in and be transferred to such Lieutenant and his Deputies respectively, as fully and completely to all Intents and Purposes as if the same had been herein specifically mentioned. the County Lieutenants and their Deputies.

III. And be it enacted, That as often as the Office of Custos Rotulorum of any County in *Ireland* shall from and after the passing of this Act become or be vacant, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Letters Patent to be made under the Great Seal of *Ireland*, to appoint a fit Person to the said Office, which Person so appointed shall hold the said Office until the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, by Letters Patent under the Great Seal of *Ireland*, appoint another fit Person to the said Office; and that the Person so from Time to Time to be appointed shall and may occupy and enjoy the said Office of Custos Rotulorum in like Manner, and with all such Powers and Authorities, and subject to all such Duties, as now relate or may by force of any Statute, Usage, or Patent, appertain to the said Office of Custos Rotulorum: Provided always, that nothing herein contained shall extend or be construed to extend in anywise to affect the Rights of any Person who now is or before the passing of this Act shall be in Possession of the Office of Custos Rotulorum, or to affect the Custody of the Rolls of any County or Place, or the Rights, Duties, Authorities, and Obligations of the Custos or Custodes Rotulorum, or any Appointment or Delegation which such Custos or Custodes may now lawfully make. Lord Lieutenant authorized to appoint to the Office of Custos Rotulorum, &c.

IV. And be it enacted, That for the more effectually carrying into execution the Purposes of this Act, it shall be lawful for the Lieutenant of every County and Place, or for the Chief Magistrate of a City or Town, according to the Provision herein-after contained, and he is hereby authorized and required, to appoint to be Deputy Lieutenants of such County or Place so many proper and discreet Persons duly qualified as herein-after mentioned, and living within the same County or Place or City or Town, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time determine and signify, if so many fit and discreet Persons duly qualified can be found therein, and if so many cannot be found therein, then as many as can be found therein: Provided always, that the Names of such Persons shall first be presented to and approved of by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and provided further, that the Commission of any Person so as aforesaid appointed a Deputy Lieutenant shall not be vacated by reason of the Vacation, Expiration, or Discontinuance of the Commission or Authority of the Person or Persons by whom any such Deputy Lieutenant has been or may be appointed, but shall nevertheless continue in full Force and Effect. The Lieutenants of each County and Place to appoint Deputy Lieutenants.

V. And be it further enacted, That all Persons appointed Deputy Lieutenants for any County or Place, save as herein-after otherwise provided, Qualification of Deputy Lieutenants.

provided, shall be qualified as follows; that is to say, every Person so to be appointed a Deputy Lieutenant shall be seised or possessed either in Law or Equity, for his own Use and Benefit, of a Real or Freehold Estate for his own Life, or for the Life of his Wife, she having a Real or Freehold Estate for her Life or for some greater Term, or shall be possessed of a Term of Years whereof Fourteen Years shall be unexpired, in Manors, Messuages, Lands, Tenements, or Hereditaments of the yearly Value of Two hundred Pounds, or shall be Heir Apparent of some Person who shall in like Manner be seised or possessed of a like Estate as aforesaid of the yearly Value of Four hundred Pounds: Provided further, that the Estate or Lands constituting the aforesaid Qualification of every Deputy Lieutenant shall be situated within the County or Place whereof he shall be appointed Deputy Lieutenant, or in some One or more of the Counties next adjoining such County or Place.

In Places which are Counties within themselves, Chief Magistrate to appoint Deputy Lieutenants.

VI. And be it further enacted, That in all Cities and Towns which are Counties within themselves, and which raise and train a Militia, either separately within their several Precincts and Liberties, or which may be for that Purpose united with any County, the Lieutenant of every such City or Town, or where there shall be no Lieutenant the Chief Magistrate of each of the said Cities and Towns respectively for the Time being, shall appoint the Deputy Lieutenants within such City or Town, and such Deputy Lieutenants shall respectively have all the Powers and Authorities vested in the Deputy Lieutenants of Counties; and all the Provisions of this Act for transferring to Lieutenants and Deputy Lieutenants the Powers and Authorities heretofore belonging to and exercised by Governors and Deputy Governors shall extend to and be alike valid and obligatory as respects such Deputy Lieutenants to be appointed by such Chief Magistrate as aforesaid: Provided always, that the respective Value of the Qualifications of such Deputy Lieutenants in Cities and Towns shall be as follows; that is to say, every Deputy Lieutenant for a City or Town shall be seised or possessed either in Law or Equity, for his own Use and Benefit, of a Real or Freehold Estate for his own Life, or for the Life of his Wife, she having a Real or Freehold Estate for her Life or for some greater Term, or shall be possessed of a Term of Years whereof Fourteen shall be unexpired, of the yearly Value of One hundred and fifty Pounds at the least, or shall be possessed of a Personal Estate alone, or seised and possessed of a Real and Personal Estate together, of the Value of Three thousand Pounds; and that the Qualification of every such Deputy Lieutenant, if the same consist of Lands or Tenements, shall be situated within the same City or Town or the Liberties thereof wherefor he shall be appointed a Deputy Lieutenant.

Qualification.

If Lieutenants neglect to appoint Deputies, Lord Lieutenant may appoint them.

VII. Provided always, and be it enacted, That if the Lieutenant of any County or Place, or any Chief Magistrate of a City or Town, shall decline, refuse, or omit to appoint and return the Names of Persons to be Deputy Lieutenants of such County or Place or City or Town, then and in such Case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to appoint such Persons (duly qualified as aforesaid)

as

as he or they shall think fit to be Deputy Lieutenants for every such County, Place, City, or Town whereof the Lieutenant or Chief Magistrate shall have declined, refused, or omitted to appoint Deputy Lieutenants as aforesaid.

His Majesty or the Lord Lieutenant may remove Deputies.

VIII. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, as he or they shall think fit, to signify His or Their Pleasure to the Lieutenant of any County or Place, or to any Chief Magistrate of a City or Town, to displace all or any Deputy Lieutenant or Deputy Lieutenants thereof; and upon such Signification of His or Their Pleasure, such Deputy Lieutenant or Deputy Lieutenants shall be displaced accordingly.

Deputy Lieutenants to deliver their Qualifications to Clerk of the Peace.

IX. And be it further enacted, That no Person shall act as a Deputy Lieutenant of any County or Place, City or Town, until he shall have delivered to the Clerk of the Peace of the County or Place, or the Town Clerk of the City or Town, for which he shall be appointed, or, in the Absence of the Clerk of the Peace, to his Deputy, a specific Description in Writing, signed by himself, of his Qualification, stating, if the same shall consist of Lands or Tenements, the County, Parish or Parishes in which the Estate or Estates which form his Qualification is or are situate, with the Denominations of the Land; and the Clerk of the Peace or his Deputy or Town Clerk shall transmit to the Custos Rotulorum or Lieutenant of the County or Place, or to the Chief Magistrate of the City or Town, a Copy of such Description.

Clerk of the Peace to enter Qualification on the Roll, and transmit a Copy of it to the Secretary of the Lord Lieutenant, to be laid before Parliament.

X. And be it further enacted, That the Clerk of the Peace of every such County or the Town Clerk of such City or Town shall and is hereby required from Time to Time to enter the Qualifications transmitted to him according to the Directions of this Act upon a Roll to be provided and kept for that Purpose; and the said Clerk of the Peace or his Deputy or Town Clerk shall, in the Month of *January* in every Year, transmit to the Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being a complete Account of the Qualifications so left with him; and such Secretary receiving such Accounts shall cause Copies thereof to be annually laid before both Houses of Parliament.

Deputy Lieutenants to take the same Oaths as Officers of the Forces.

XI. And be it enacted, That every Deputy Lieutenant shall at some Quarter Sessions of the Peace, or in one of His Majesty's Courts of Record at *Dublin*, within Three Months from and after the Date of his Commission, take such Oaths or Oath, and make and sign such Declaration or Declarations, as is or shall be required to be taken, made, and signed by any Officer of His Majesty's Forces in *Ireland*.

Penalty on Deputy Lieutenants acting with-

XII. And be it further enacted, That if any Person shall execute any of the Powers hereby directed to be executed by Deputy Lieutenants, not being qualified as aforesaid, or not having delivered in

 such

out being qualified, 200*l.*

such specific Description of his Qualifications as is herein-before required, save in the Cases herein-after particularly mentioned, or not having taken the said Oaths and made the said Declarations within the Time herein directed for those Purposes, every such Person shall forfeit and pay the Sum of Two hundred Pounds, one Moiety whereof shall go to the Use of the Person or Persons who shall sue for the same; and in every Action, Suit, or Information brought against any Person for acting as Deputy Lieutenant, not being qualified as herein-before directed, the Proof of his Qualification shall lie upon the Person against whom the same is brought: Provided always, that nothing in this Act contained shall restrain or prevent any Peer of this Realm, or Heir Apparent of any such Peer, from being appointed or acting as Deputy Lieutenant within any County, or Place, or City or Town wherein such Peer or Heir Apparent of such Peer shall have some Place of Residence, although he may not have the Qualifications herein-before required, or to oblige any Peer of this Realm, or Heir Apparent of such Peer, who shall be appointed Deputy Lieutenant as aforesaid, to leave with the Clerk of the Peace for the County or Town Clerk of the Town or City for which he shall be so appointed any Description of Qualifications in Writing as aforesaid.

except a Peer or an Heir Apparent of a Peer.

Power of Colonels to appoint Officers of Regiments to be transferred to the Lieutenants of Counties and Places; but former Commissions to be good.

XIII. And be it enacted, That from and after the Enrolment of the Letters Patent constituting and creating a Lieutenant for any County or Place all such Power and Authority as by the said recited Act of the Forty-ninth Year of the Reign of His Majesty King *George* the Third is given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint the Colonel for any Regiment or Battalion of Militia raised and trained within such County or Place shall cease and determine, and all such Power and Authority as by the said recited Act is given to the Colonel of Militia raised and trained in such County or Place to appoint the Number respectively of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters, and Assistant Surgeons, and all other Officers of his Regiment or Battalion, shall likewise cease and determine; and it shall thereupon be and become lawful and competent for the Lieutenant of such County or Place appointed under Authority of this Act, in like Manner as heretofore the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may have done, to appoint the Colonel for any and every Regiment or Battalion of Militia raised and trained within the County or Place whereof he shall be appointed such Lieutenant; and it shall also become lawful and competent for such Lieutenant, in like Manner as heretofore the Colonel of such Militia might have done, to nominate and appoint all and every the respective Number of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters, and Assistant Surgeons, and all other Officers of any and every Regiment or Battalion of Militia within the County of which he shall be Lieutenant: Provided always, that all and every Commission theretofore granted to or by any Colonel of Militia shall be good, valid, and effectual to all Intents and Purposes whatsoever, any thing in this Act contained to the contrary notwithstanding; and provided further, that nothing herein contained shall extend or be construed to extend to deprive any Colonel of Militia, acting under a Commission granted

Proviso as to Colonels of Militia acting under Com-

before the passing of this Act, of the Power and Authority to appoint such Lieutenant Colonels and other Officers of his Regiment or Battalion, in like Manner as such Colonel may have had Power and Authority to do under the said recited Act of the Forty-ninth Year of His Majesty King *George* the Third, and as if this Act had not been passed.

missions granted before the passing hereof.

XIV. And be it enacted, That where any County of a City or Town shall, for the Purpose of raising and training any Regiment or Battalion of Militia, be made Part of and united with any County, then and in such Case it shall and may be lawful for the Lieutenant of such County to which such County of a City or Town shall have been united and made Part thereof for such Purpose as aforesaid, to nominate and appoint the Colonel and also the respective Number of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters, and Assistant Surgeons, and all other Officers of such Regiment or Battalion, in like Manner as any Lieutenant is hereby authorized to appoint the same in Cases where any Regiment or Battalion of Militia is raised and trained wholly by the County of which he shall be Lieutenant.

In Cases where Counties of Cities or Places raise Militia in common with Counties at large, the Lieutenant of the County to appoint Officers.

XV. And be it further enacted, That no Commission of any Officer in the Militia shall be vacated by reason of the Vacation, Repeal, Revocation, or other Discontinuance of the Authority of the Lieutenant or Vice Lieutenant by whom he may be or have been appointed.

Commissions not to be vacated by Discontinuance of Authority.

XVI. And be it enacted, That all and every the Provisions of the said recited Act of the Forty-ninth Year of the Reign of King *George* the Third, and of any and every other Act or Acts in force before the passing of this Act for regulating the Appointment and Qualification of Persons to be appointed Officers of Militia, and prescribing the Duties, Obligations, and Authorities of such Persons, shall be alike valid and effectual as respects all Persons to be or who shall be at any Time appointed Officers of Militia under or by Authority of this Act, or any Commission derived therefrom, and apply to all such Persons, as if the same had been herein specifically mentioned and re-enacted, save only as respects the Power and Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint the Colonels of Militia, and of the Colonels of Militia to appoint the Lieutenant Colonel and other inferior Officers.

Provisions of 49 G.3.c.120. to extend to Persons appointed under this Act, except as to the Appointment of Officers by Colonels.

XVII. And be it enacted, That when any Lieutenant for any County or Place appointed under the Authority of this Act shall be absent from *Ireland*, or in case of the Sickness or other Disability of any such Lieutenant, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall deem it expedient, by Warrant under his Hand or their Hands, to appoint a Vice Lieutenant to act within the same County or Place for the Lieutenant thereof during the Absence or Disability of such Lieutenant, and until the Appointment of such Vice Lieutenant shall be rescinded in manner herein-after mentioned; and from and

Lieutenant General to appoint a Vice Lieutenant during the Absence of Lieutenant of County, &c.

and after the issuing of such Warrant as aforesaid all Powers and Authorities, whether as regards the Appointment of Deputy Lieutenants or granting Commissions to Officers of the Militia, or any other Matter or Thing which might have been exercised by the Lieutenant of the same County or Place, shall be vested in and exercised by the Vice Lieutenant appointed as aforesaid, and all Acts, Matters, and Things which might or ought to be transacted or done by or with such Lieutenant shall be transacted or done by or with such Vice Lieutenant, and be alike good, valid, and effectual as if transacted or done by or with such Lieutenant: Provided always, that so soon as the Lieutenant of the County or Place for which any Vice Lieutenant shall be appointed shall have notified to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Writing under his Hand, his Return to *Ireland*, or his Capability to resume the Duties of such Lieutenancy, as the Case may be, the said Lord Lieutenant or other Chief Governors of *Ireland* shall forthwith issue his or their Warrant to the said Vice Lieutenant rescinding the Appointment of the said Vice Lieutenant, and thereupon all the Powers and Authorities of the said Vice Lieutenant shall wholly cease and determine, and the same shall be revested in and exercised by such Lieutenant as if the same had never been divested or ceased to be exercised by him; provided further, that all Appointments and Acts of the said Vice Lieutenant shall nevertheless remain in full Force and Effect.

This Act not to abridge or alter the Powers or Privileges of the Lord Lieutenant.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed in anywise to abridge or alter the Powers, Privileges, Authorities, or Duties of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* now or at any Time hereafter to be constituted and deputed by virtue of His Majesty's Prerogative; and such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, any thing herein contained to the contrary notwithstanding, have and enjoy full Right, Title, and Authority to require and receive, as well from and of Lieutenants, Vice Lieutenants, and Deputy Lieutenants of Counties and Places, as from all other Subjects of His Majesty in *Ireland*, such Attendance, Assistance, Aid, and Obedience as by any Letters Patent or other Instrument nominating and deputing such Lord Lieutenant or other Chief Governor or Governors of *Ireland* he or they would or might have been entitled to before the passing of this Act.

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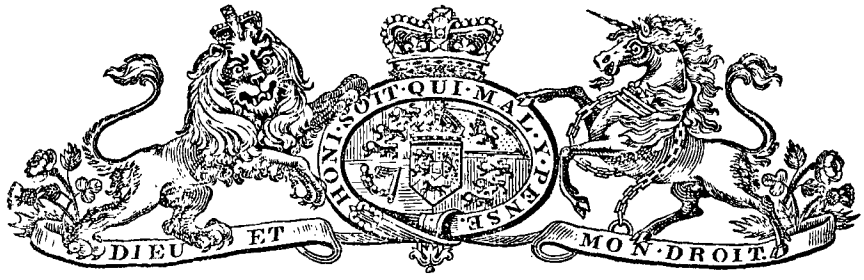

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XVIII.

An Act for transferring the Duties of Receivers General of the Land and Assessed Taxes to Persons executing the Offices of Inspectors of Taxes, and for making other Provisions for the Receipt and Remittance of the said Taxes.

[6th *September* 1831.]

WHEREAS it is expedient to reduce the Expence of receiving and remitting the Public Revenue, so far as the same may be effected with the due Security thereof; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Persons who now act as Receivers General of the Land Tax and the respective Duties of Assessed Taxes under the Management of the Commissioners for the Affairs of Taxes, in and for the several Counties and Divisions in *England* and *Wales*, (except as herein-after provided,) shall, from and after the Tenth Day of *October* One thousand eight hundred and thirty-one, cease and discontinue to execute and perform the Duties of their respective Offices in and for the Counties and Districts for which they now respectively act, and that their respective Appointments as such Receivers General in the further Receipt of the said Duties shall thenceforth determine: Provided always, that if, under local or particular Circumstances, any Difficulty shall arise to the complete Discontinuance

The Receivers General to be discontinued from the 10th October 1831, except in certain Cases.

continuance of the whole of the before-mentioned Officers at the Time herein-before limited, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to retain and continue any One or more of the present Receivers General, under the Provisions of the Acts now in force, for such further and respective Periods, and for such District and Districts, Circuit and Circuits of Receipt, as to the said said Commissioners may appear necessary or beneficial to the Public Service.

Appointment of Inspectors of Taxes to be Officers for Receipt for Country Districts.

II. And be it further enacted, That in lieu and in the place of the Receivers General to be discontinued under this Act, it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury for the Time being to nominate and appoint from Time to Time such of the Persons for the Time being appointed to execute the Offices and Duties of Inspectors of Taxes to be Officers or Persons for the Receipt of the Land Tax, and of Monies payable for the Sale and Redemption thereof, and the respective Rates and Duties of Assessed Taxes under the Management of the Commissioners for the Affairs of Taxes, within and for such Counties, Districts, and Circuits of Receipt as the said Commissioners of the Treasury shall from Time to Time authorize or direct; and it shall also be lawful for the said last-named Commissioners to grant annual Allowances to such receiving Inspectors as a Remuneration for executing and performing the additional Duties imposed on them by this Act, and for the Expence of a Clerk, not exceeding on an Average the Sum of One hundred Pounds for such Remuneration, and a like average Sum of One hundred Pounds for such Clerk.

Salary not to exceed on an Average 100*l.* per Annum, and 100*l.* for a Clerk.

One Receiver General to be retained for the London District.

III. And be it further enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury to retain and continue One of the present Receivers General for the City of *London* and County of *Middlesex*, and to appoint him Receiver General of a District or Circuit of Receipt to be called "The *London* Receipt," and for other the Purposes herein-after provided, which *London* Receipt shall comprise the City of *London*, the City and Liberty of *Westminster*, the County of *Middlesex*, and such Parts of the respective Counties of *Surrey*, *Essex*, and *Kent* as the said Commissioners of the Treasury shall from Time to Time direct; and it shall not be necessary for any Person hereafter appointed Receiver General of such Receipt to have previously executed the Duties of or to be also an Inspector of Taxes.

Receiver General of the London District to receive and account for Monies remitted from Receiving Inspectors, &c. and to keep an open Office for Receipt from the Col-

IV. And be it further enacted, That the said Receiver General of the *London* Receipt shall receive, pay, and account for all Monies, Bills, and Securities which shall or may from Time to Time be remitted from or on behalf of any Receiving Inspectors, or from or on behalf of any Receiver General to be retained or continued under this Act, or from or on behalf of any Remitter to be employed as herein-after provided, to the said Receiver General for *London* or to the said Commissioners for the Affairs of Taxes for the Time being, or as shall or may be paid to or deposited with the said Receiver General for *London* by or under the Authority of the said Commissioners of the Treasury; and such Receiver General shall also keep

an open Office, for the Purposes aforesaid, at such Place or Places, for the Receipt of the Land Tax and the Rates and Duties aforesaid from the several Collectors thereof, within the Limits assigned to such Receiver General, and hold such Circuit or Circuits of Receipt, under and subject to such Rules and Regulations as the said Commissioners for the Affairs of Taxes may from Time to Time establish or require; and every such Collector shall and is hereby strictly enjoined and required, under the Penalty imposed on Collectors by the several Acts in force relating to the said Taxes and Rates for Neglect of Duty, to attend at the Office of the said Receiver General to make his and their Payments: Provided always, that it shall and may be lawful for the said Commissioners of the Treasury to assign and continue a Salary to the Receiver General for the Time being so retained for the *London* Receipt, not exceeding the Salary now received by such Receiver General.

lectors within his Circuit.

Salary.

V. And be it further enacted, That all Money, Bills, Notes, Drafts, Checks, Orders, Remittances, or Securities for Payment of Money, received by or coming into the Hands of the Receiver General of the *London* District on account of the Taxes, Rates, and Duties aforesaid, or any of them, or of any Monies received for His Majesty's Use, (except only so much thereof as he shall be authorized by the Commissioners for the Affairs of Taxes, under the Sanction of the Lords of the Treasury, to retain for the Public Service,) shall be paid by such Receiver General either into the Hands of the Governor and Company of the Bank of *England*, or into the Receipt of His Majesty's Exchequer at *Westminster*, in such Manner, to such Account or Accounts, at such Times, and under such Rules and Regulations as the Commissioners for the Affairs of Taxes, by the Authority aforesaid, shall from Time to Time impose, direct, and appoint.

Monies, &c. received by the London Receiver to be by him paid into the Bank of England or into the Exchequer.

VI. And be it further enacted, That all Bills or Securities drawn for or on account of the Taxes, Rates, and Duties aforesaid, or any of them, payable to the Order of the Commissioners for the Affairs of Taxes, and remitted either to the said Commissioners or to their Office, or to the said Receiver General for the *London* District, shall and may be indorsed by any Two of such Commissioners; and all other Acts, Matters, and Things whatsoever by this Act, or by any Act in force relating to the said Taxes, Rates, and Duties, or any of them, which the Commissioners for the Affairs of Taxes are authorized or required to do, execute, or perform, shall and may be done, executed, and performed by any Two of such Commissioners, any Act or Acts of Parliament, Law, Usage, or Custom to the contrary thereof notwithstanding.

Two of the Commissioners for Taxes may indorse Remittances by Bills, and do any other Acts required of the said Commissioners.

VII. And be it further enacted, That every Inspector to be appointed for the Receipt of the Taxes and Monies under this Act, and every Receiver to be retained or continued under this Act, shall attend at such Places, and observe such Route in proceeding from Place to Place for the Receipt of the Taxes, Rates, and Duties aforesaid from the several Collectors of the Parishes, Wards, or Places within the District assigned to such Officers respectively, and at

Receiving Inspectors to make Circuits for Receipt from Collectors.

at such Times and from Time to Time, as shall be directed and approved by the said Commissioners for the Affairs of Taxes: Provided always, that the Allowance for travelling and incidental Expences of every such Officer in attending his Receipt shall not in any Case exceed the respective Rates allowed to a Receiver General under the Authority of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to the Land and Assessed Taxes, and to regulate the Appointment of Receivers General in* England *and* Wales.

Travelling Expences not to exceed those now allowed.

3 G. 4. c. 88.

Providing for Remitters.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners for the Affairs of Taxes to make Arrangements with any Person or Persons to receive from any Receiving Inspectors, or any Receivers to be continued as aforesaid, the Taxes, Rates, and Duties aforesaid to be from Time to Time collected by and paid to any such Officer, or his Deputy duly authorized in the Manner directed and allowed by this Act, and to remit and pay, or cause to be remitted and paid, the several Sums by such Person or Persons to be received into the Receipt of His Majesty's Exchequer at *Westminster*, or into the Bank of *England*, or to the Receiver General of the *London* District, or to the Commissioners for the Affairs of Taxes for the Time being respectively, in such Manner, at such Time and Times, and upon such Terms and Conditions as shall from Time to Time be settled and allowed by the said Commissioners, under the Directions of the said Commissioners of His Majesty's Treasury; and also to arrange with the same or any other Persons to receive from any Collector or Collectors of the Taxes, Rates, and Duties aforesaid, all such Taxes as shall remain in the Hands of any such Collector or Collectors, or as shall be collected by him or them within the Intervals of the Circuits of Receipt of the said Officers respectively; and the Names and Places of Receipt of the Person or Persons with whom such Arrangement shall be made as last aforesaid shall be sent to the Clerks to the said Commissioners for their respective Districts; and such Commissioners shall from Time to Time examine such Collectors touching their Collections, and make such Order or Orders for the Payment of the Monies by them respectively collected and received as are directed and enjoined by the Acts now in force relating to the respective Rates and Duties aforesaid.

Bonds, &c. of the present Receivers and Remitters to remain in force for completing their Accounts.

IX. And be it further enacted, That all Bonds and Contracts and other Securities whatsoever entered into with or by any Receiver General whose Office is discontinued or retained by or under this Act, or with or by any Remitter or Remitters and their respective Sureties, in force at the time of passing this Act, shall be and continue in full Force, Effect, and Validity, any thing in this Act contained to the contrary notwithstanding.

Receiving Officers and Remitters to give Security.

X. And be it further enacted, That every Officer and Person for Receipt under this Act, and every Receiver to be appointed, retained, or continued under this Act, and every Person with whom any Arrangement may be made to remit the said Taxes, Rates, and Duties as herein-before provided, shall, if required by the Commissioners for the Affairs of Taxes, under the Authority of the said Commissioners

Commissioners of His Majesty's Treasury, give and enter into a Bond or Bonds to His Majesty, His Heirs and Successors, either with or without Sureties, as shall be directed by the said Commissioners of Taxes, under the Authority aforesaid, and in such Penalty and with such Condition as to the said last-mentioned Commissioners shall appear necessary, or shall enter into or give such other Securities as may from Time to Time appear to such Commissioners right and proper for the due Protection of the Revenue; and all Bonds so to be taken to His Majesty under this Act from Officers or Persons for the Receipt of the Taxes and Monies aforesaid, and also from Receivers or Remitters respectively, and their respective Sureties, shall be of the same Force and Effect, and they shall be respectively accountable and answerable, as if such Bonds were taken from Receivers General and Remitters under the Authorities of the Acts in force: Provided always, that all Bonds, Contracts, Agreements, Bills, Securities, and Receipts whatsoever to be entered into with or given by any Officer for Receipt, or by any Receiver to be appointed, retained, or continued under this Act, or with or by any Person or Persons who shall undertake to remit the said Rates and Duties as aforesaid, and their respective Sureties, shall be free from all Stamp Duty whatever; and no Receiving Inspector, and no Receiver or Remitter to be appointed, retained, or continued under this Act, shall in any Case be liable to or charged with any Fee or Gratuity on his Commission, Warrant, or other Instrument to be obtained or had, either on his first Appointment, or any renewed or succeeding Appointment to the said Office, nor to any Fee or Gratuity for any Matter or Thing incident to the Execution of his Office, or for auditing or passing his Accounts, either in His Majesty's Treasury, the Office for Taxes, or any Office of the Court or Receipt of the Exchequer.

Bonds, &c. to be free of Stamp Duty and of Fees.

XI. And be it further enacted, That every Officer for Receipt to be appointed under this Act shall execute the Duties of his Office in Person, without any Deputy, except in Cases of Illness, or other temporary and sufficient Cause, in which the same may be allowed to a Receiver General under the Provisions of the Laws now in force.

Officer for Receipt to execute Duties in Person.

XII. And be it further enacted, That all and every the Powers, Provisions, Rules, Directions, Clauses, Liabilities, Matters, and Things contained in and imposed by any Act or Acts now in force relating to the Land Tax and to the Sale and Redemption thereof, and the Rates and Duties of Assessed Taxes, or to the Office of a Receiver General answerable in the Receipt of the Exchequer, or which by Law any Receiver General is authorized, empowered, or required to do, execute, follow, and perform, shall, so far as the same are not altered or varied by this Act, continue to be in full Force, and be observed, followed, practised, applied, and put in execution by and against the several Officers or Persons appointed, retained, or continued for the Receipt of the said Taxes under this Act, to all Intents as if such Officers respectively were appointed Receivers General in the Execution of the said Acts or of this Act, and as if the same Powers, Provisions, Matters, and Things were severally repeated and re-

Officers for Receipt under this Act to perform all the Duties of Receivers General, &c.

enacted by this Act; and all Inspectors so to be appointed Officers for Receipt as aforesaid shall also execute and perform the Duties relating to the Office of an Inspector of Taxes in all respects as if he had not been appointed an Officer of Receipt as aforesaid; and all Provisions, Powers, Clauses, Rules, Directions, Penalties, Matters, and Things contained in any such former Act or Acts shall be applied to this Act, and be observed, followed, practised, and put in execution (where not repugnant hereto) as fully and effectually and to all Intents and Purposes whatsoever as if this Act had not been passed.

Provisions of former Acts to be in force and followed, except as herein varied.

XIII. And be it further enacted, That this Act or any Part thereof may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered or repealed.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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removed into *Great Britain*, and all Duties upon Licences required to be taken out by any Maker of Candles in *Great Britain* and *Ireland*, and all Drawbacks for the Removal of any Candles from *Great Britain* to *Ireland*, or on the Exportation of any Candles from *Great Britain*, shall be repealed, cease, and determine, and be no longer paid or payable; save and except as to any Arrear of the said Duties which shall have become due, or of any Penalty or Forfeiture in respect thereof which shall have been incurred, before the said First Day of *January* One thousand eight hundred and thirty-two, or the Payment of any Drawback which shall become payable in respect of any Candles removed from *Great Britain* to *Ireland*, or exported, before the said First Day of *January* One thousand eight hundred and thirty-two.

Makers of Candles for Sale shall be subject to the Regulations of 59 G. 3. c. 90. as Melters of Tallow, Grease, &c.

II. Provided always, and be it further enacted, That after the said First Day of *January* One thousand eight hundred and thirty-two, every Maker of Candles for Sale shall become subject and liable, as a Melter of Tallow, to the Provisions, Rules, and Regulations, Penalties and Forfeitures, relating to Melters of Tallow, Fat, Grease, and Kitchen Stuff, contained in an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Prevention of Frauds in the Duties on Soap; for preserving the Books or Papers, called Specimens, left by Officers of Excise on the Premises of Traders; and for requiring more speedy Payment of the Excise Duties on printed Calicoes;* and no Maker of Candles shall have in his Possession any of the Articles prohibited to be in the Possession of a Melter of Tallow, Fat, Grease, or Kitchen Stuff, or any Mineral or Vegetable Alkali whatsoever, under the Penalty and Forfeiture in the said Act provided.

Candles not intended to be sent into Consumption until after 1st Jan. 1832 to be made and secured free of Duty.

III. And whereas it is expedient that Provision should be made for allowing the Makers of Candles, the Duties whereon are hereby repealed, to make Duty-free, before the said First Day of *January*, Candles not to be sold or consumed until after the First Day of *January*, when the said Duties are to cease and determine; be it therefore enacted, That every Maker of Candles who shall intend to make any Candles Duty-free, not to be sold or sent into Consumption before the First Day of *January* One thousand eight hundred and thirty-two, shall give Notice of such his Intention in Writing to the proper Officer of Excise, Six Days before making any such Candles, and in such Notice shall specify some separate and secure Room, Cellar, or Store, to be approved of by the Commissioners of Excise or their Officers, for the keeping therein all such Candles as shall be made Duty-free; and such Maker of Candles may from Time to Time, Twenty-four Hours before commencing any making of Candles, give Notice in Writing to the proper Officer of Excise, that all the Candles of that particular making are to be Candles not intended to be sold or sent into Consumption until after the First Day of *January* One thousand eight hundred and thirty-two, and that he is desirous of making the same without Payment of Duty; and all such Candles shall be made under all the Regulations now in force, and an Account shall be taken thereof, and of the Duty which would be payable thereon, in the same Manner as if the Duty

thereon was to be paid; and as soon as such Candles shall be made, and the Officer shall have weighed and taken an Account of the same, all such Candles shall be forthwith deposited and stored in the separate Room, Cellar, or Store approved of by the Commissioners of Excise or their Officers, under the Locks and Keys of the Office of Excise, and otherwise secured in such Manner as the Commissioners of Excise shall direct; and as often as any other Candles shall be made to be stored and secured Duty-free, the Officer of Excise shall take an Account thereof, and of all the Candles which have been previously so stored and secured; and all Candles so made without Payment of Duty shall be kept so stored and secured, and shall not be sold or sent into Consumption, or any Part thereof be removed or delivered to the Maker thereof, until the Second Day of *January* One thousand eight hundred and thirty-two; and on the First Day of *January* One thousand eight hundred and thirty-two, the proper Officers of Excise shall take an Account of all the said Candles which shall have been so made Duty-free, and stored and secured as aforesaid; and if upon such Account the whole Quantity of Candles shall be found in the Stock of the Maker who shall have made the same, stored and secured as aforesaid, and the Officers of Excise shall be satisfied that they are the same Candles which were so made, and that no Part thereof has been sent into Consumption, or any Addition made thereto or any Alteration therein, the Commissioners of Excise are hereby empowered to forego and remit the Charge of Duty thereon, and to allow the same to be sold without Payment of Duty.

If any Candles made as Duty-free shall be sent into Consumption prior to 1st Jan. 1832, or the Regulations shall not be complied with, the Maker to be charged and pay Duty on all the Candles made by him.

IV. And be it further enacted, That if any Candles which shall be made under the Regulations aforesaid, as not to be sent into Consumption until after the First Day of *January* One thousand eight hundred and thirty-two, shall not at any Time previous thereto be so stored and secured in such separate and secure Room, Cellar, or Store, approved of by the Commissioners of Excise or their Officers, or if any such Maker of Candles shall open or procure to be opened any such Room, Cellar, or Store, or injure any of the Locks, Keys, or Fastenings thereof, or remove, or cause or procure to be removed, any Candles from or out of the same, or shall sell or send out any of such Candles so made Duty-free, or shall make any Addition to or Alteration therein, or if on the said First Day of *January* One thousand eight hundred and thirty-two, or at any Time previous thereto, the Officers of Excise shall not find all such Candles so stored and secured and unaltered, or if any such Maker of Candles shall use or practise any Art or Device to deceive any Officer of Excise in taking an Account of such Candles or of any Part of his Stock, or to remove any of the said Candles, or to evade any Part of the Duty on Candles with which previous to the said First Day of *January* he might or would be chargeable, then the Commissioners of Excise are hereby authorized and required to demand and collect the Duties on all the Candles made by such Maker of Candles previous to the said First Day of *January* One thousand eight hundred and thirty-two; and the said Maker shall be liable to the Payment of all such Duties, and shall pay the same; and the same shall and may in default of Payment be levied, collected, and enforced under the Laws, Provisions, and

and Regulations now in force for collecting and securing the Duties on Candles.

Manner of proceeding in case any Maker of Candles, having made and stored Candles Duty-free, shall previous to 1st Jan. 1832 apply to take them out on Payment of Duty.

V. Provided always, and be it further enacted, That if any Maker of Candles who shall have stored any Candles Duty-free shall be desirous of taking out the Whole or any Part of such Candles for Consumption on Payment of Duty on or before the Tenth Day of *October* next, such Maker of Candles shall give to the Surveyor or Supervisor of Excise, under whose Survey such Maker of Candles shall be, Twenty-four Hours Notice in Writing of such his Desire and Intention, in which Notice shall be specified the Time when such Candles are to be taken out, and the Quantity and Description of Candles intended to be taken out, and the Cellar, Room, or Place from whence the same are to be taken; and the Surveyor or Supervisor of Excise who shall receive such Notice shall attend, at the Time specified therein, at the Room, Cellar, or Store in which such Candles shall be stored, and shall weigh and take an Account of the Quantity of Candles specified in such Notice, and, on Production of the Receipt of the Collector of Excise for the Duties payable on the Candles so to be taken out, shall deliver out such Candles to the Maker thereof requiring the same; and in case of any Maker of Candles requiring the Whole or any Part of such Candles stored Duty-free to be delivered out to him for Consumption between the said Tenth Day of *October* next and the said First Day of *January* One thousand eight hundred and thirty-two, he shall give a like Notice, and, on Production of the Collector's Receipt for the Duties on the Candles specified in such Notice, the same shall be delivered to him: Provided always, that only One such Delivery of such Candles stored Duty-free shall be allowed to any Maker of Candles on or before the Tenth Day of *October* next, and One such Delivery between the said Tenth Day of *October* and the First Day of *January* One thousand eight hundred and thirty-two.

Act may be altered this Session.

VI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XX.

An Act to enable His Majesty to grant an annual Sum to Her Royal Highness *Victoria Maria Louisa* Duchess of *Kent*, for a more adequate Provision for Her said Royal Highness, and for the honourable Support and Education of Her Royal Highness the Princess *Alexandrina Victoria* of *Kent*. [6th *September* 1831.]

Most Gracious Sovereign,

WHEREAS Your Majesty by Your most gracious Message hath been pleased to signify that Your Majesty, taking into Consideration that since Parliament made Provision for the Maintenance of Her Royal Highness the Duchess of *Kent* and Her Royal Highness the Princess *Alexandrina Victoria* of *Kent*, Circumstances have arisen which make it proper that a more adequate Provision should be made for Her Royal Highness the Duchess of *Kent*, and for the honourable Support and Education of Her Royal Highness the Princess *Alexandrina Victoria* of *Kent*, recommended the Consideration thereof to Your faithful Commons, and relied on their Attachment to adopt such Measures as might be suitable to the Occasion: Therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, duly considering Your Majesty's gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

His Majesty, by Letters Patent, to grant an Annuity of 10,000*l.* to the Duchess of Kent, in manner herein mentioned.

assembled, and by the Authority of the same, That it shall be lawful for His Majesty to give and grant, by Letters Patent under the Great Seal of *Great Britain*, to Her said Royal Highness *Victoria Maria Louisa* Duchess of *Kent*, for a more adequate Provision for Her said Royal Highness, and for the honourable Support and Education of Her Royal Highness the Princess *Alexandrina Victoria* of *Kent*, a certain annual Payment or Annuity of Ten thousand Pounds of lawful Money of *Great Britain*, Four thousand Pounds of which said annual Payment or Annuity shall be payable for and during the Life of Her said Royal Highness the Duchess of *Kent*, and Six thousand Pounds thereof for and during the Life of Her said Royal Highness the Princess *Alexandrina Victoria;* and the said annual Payment or Annuity shall be deemed and considered to have commenced and taken effect upon the Fifth Day of *January* One thousand eight hundred and thirty-one, and the first Payment of a proportionate Part thereof shall be made on the Tenth Day of *October* One thousand eight hundred and thirty-one, and shall thereafter be paid quarterly, at the Four most usual Days of Payment in the Year, (that is to say,) the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year; and the said annual Payment or Annuity shall and may be issuing and payable out of and charged and chargeable upon the Fund called "The Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*," (after paying or reserving sufficient to pay all such Sum and Sums of Money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with Preference to all other Payments which shall or may hereafter be charged upon and payable out of the said Fund); and the said annual Payment or Annuity shall be paid and payable at the Receipt of His Majesty's Exchequer at *Westminster*, out of the said Fund called "The Consolidated Fund," and the Auditor of the said Receipt shall and he is hereby required to make forth and pass Debentures from Time to Time for paying the said annual Payment or Annuity as the same shall become due and payable, without any Fees or Charges to be demanded or taken for paying the same or any Part thereof; and the Acquittance or Acquittances, Receipt or Receipts of Her said Royal Highness the Duchess of *Kent*, or of such other Person or Persons as shall by Her said Royal Highness be duly authorized and appointed to receive such annual Payment or Annuity or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said Debentures so to be made forth and passed shall be a sufficient Authority to the several and respective Officers of the Receipt of the Exchequer now and for the Time being for the Payment of any such annual Payment or Annuity to Her said Royal Highness during the Continuance of the same, without any further or other Warrant to be sued for, had, or obtained in that Behalf; and the said annual Payment or Annuity so to be given and granted shall be free and clear from all Taxes, Rates, and Assessments, and all other Charges whatsoever.

Receipt of the Duchess of Kent, or such Person as She may appoint, to be a sufficient Discharge for the Payment of the said Annuity.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXI.

An Act to explain and amend Two Acts of the Thirty-fourth and Thirty-eighth Years of His Majesty King *George* the Third, so far as the same relate to Double Assessments of the Land Tax. [22d *September* 1831.]

WHEREAS by an Act passed in the Fourth Year of the Reign of Their late Majesties King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties an Aid of Four Shillings in the Pound, for One Year, for carrying on a vigorous War with* France, all the Manors, Messuages, Lands, Tenements, and Hereditaments of Their said Majesties Subjects were charged with and directed to be assessed by a Pound Rate of Four Shillings in the Pound for every Twenty Shillings of the then full yearly Value thereof; and the Manors, Messuages, Lands, Tenements, and Hereditaments of every Papist or reputed Papist, being of the Age of Sixteen Years or upwards, who had not then taken, or who within a limited Time should neglect to take, certain Oaths therein mentioned, were charged with and to be assessed in Double the said Pound Rate, that is to say, with a Pound Rate of Eight Shillings in the Pound for every Twenty Shillings of the then yearly Value thereof; all which Assessments were to be made and raised 4 W.&M.c.1.

by the several Commissioners executing the said Act in the respective Hundreds or Divisions as in the said Act mentioned: And whereas by certain Acts passed in each and every succeeding Year in the respective Reigns of Their late Majesties King *William* and Queen *Mary*, Queen *Anne*, King *George* the First, King *George* the Second, and until the Thirty-third Year of the Reign of His late Majesty King *George* the Third, the said Rates, according to the Proportions to be raised in each County, City, Borough, Town, and Place in the said Act specified, were severally directed to be assessed and collected in the Manner directed by the said Act of King *William* and Queen *Mary*: And whereas by an Act passed in the First Year of the Reign of His late Majesty King *George* the
1 G. 1. c. 55. First, intituled *An Act to oblige Papists to register their Names and Real Estates*, which Act remained in force until the Thirty-first Year of the Reign of His late Majesty King *George* the Third, every Person or Persons who should profess the Popish Religion, and who should not before the Time therein specified take the Oaths mentioned or referred to in and by the said Act of the Fourth Year of Their said late Majesties King *William* and Queen *Mary*, were directed, under pain of forfeiting his, her, or their Estates, to register with the Clerk of the Peace for the County, Riding, or Division where such Estates should be situated his, her, or their Name or Names, and all such Lands, Tenements, and Hereditaments whereof he or she or they, or any Trustee or Trustees for him, her, or them, or his, her, or their Benefit or Advantage, should be in Possession or in the Receipt or Perception of the Rents or Profits, and to express in such Register in what Parish, Township, or Place such Lands, Tenements, and Hereditaments did lie or arise, and who for the Time being was or were the Possessors thereof, and the yearly Rent reserved to him or them for the same: And whereas by several Acts passed subsequent to the said Act of the Fourth Year of the Reign of Their said Majesties King *William* and Queen *Mary*, for granting an Aid by a Land Tax to be raised in *Great Britain*, it was declared, amongst other Things, that since the making of the Assessments by virtue of the said last-mentioned Act several of the said Papists and other Persons which were so doubly taxed had taken the said Oaths, or their Lands had come to Protestants, whereby it was intended that their Estates should by such several Acts be charged only to such an equal Pound Rate as was to be borne by their Protestant Neighbours, and for that Purpose Provision was made by the said Acts for relieving such Lands from the Double Rate, and distributing the same by an equal Pound Rate over all Lands assessable in the same Parish, Township, or Place, towards raising the Proportion of Land Tax thereon charged, with a Power for Relief, in case such Proportion should thereby exceed the Land Tax of Four Shillings in the Pound on the full and improved yearly Values, by Application to the Court of Exchequer to discharge the Excess from the Assessments and Duplicates, in exoneration of the Parish, Township, or Place: And whereas by an Act passed in the Thirty-fourth Year of the Reign of His
34 G. 3. c. 8. late Majesty King *George* the Third, intituled *An Act for granting an Aid to His Majesty, by a Land Tax to be raised in* Great

Britain, *for the Service of the Year One thousand seven hundred and ninety-four*, it was declared, amongst other Things, that towards the Assessments which were made by virtue of the said Act of the Fourth Year of the Reign of Their said Majesties King *William* and Queen *Mary*, the several Lands, Tenements, Rents, or other Hereditaments of Persons refusing or neglecting to take the Oaths therein contained were assessed to pay Double the Rates therein expressed; and that it was not by the reciting Act intended to assess or impose any such Double Rates upon any Person or Persons whomsoever; and that the Estates of Persons formerly doubly taxed were thereby made liable to single Assessment only; with a Provision for distributing the Double Tax over the Parish, Township, or Place; and provided the Pound Rate should thereby exceed Four Shillings in the Pound, a Power of Relief, by Application to the Court of Exchequer to discharge the Excess from the Assessments and Duplicates in manner aforesaid; and similar Provisions were contained in certain Acts passed in the Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth Years of the Reign of His late Majesty King *George* the Third, but limiting the Periods for Application to the Court of Exchequer to the Twenty-ninth Day of *September* yearly: And whereas by an Act passed subsequently, in the said Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, the Proportions and Sums directed to be raised for Land Tax by the said previous Act of the same Year were made perpetual, subject to Redemption and Purchase; and large Proportions of the Land Tax have been redeemed or purchased under the Provisions of the Acts in force in that Behalf: And whereas some of His Majesty's Subjects, as well as such Persons to whom the Estates of Persons doubly rated or assessed have come or descended, as also such Persons neglecting or refusing to take the Oaths mentioned or referred to in the Act of the Fourth Year of the Reign of Their said Majesties King *William* and Queen *Mary*, may not have obtained the Relief intended by the said Acts of His late Majesty King *George* the Third, but may have continued to be charged, in respect of their Lands, Tenements, Rents, and Hereditaments, with Double the said Rates or Assessments imposed by the said Act of Their said Majesties King *William* and Queen *Mary*, and borne and paid by their Protestant Neighbours in respect of their Lands, Tenements, Rents, and Hereditaments: And whereas by reason of the Provisions of the said Acts for making the Land Tax perpetual, subject to annual Assessment in respect to the Proportions unredeemed, Doubts have arisen whether the Power of Relief granted by the said Acts, in and prior to the said Year One thousand seven hundred and ninety-eight, by Application to the Court of Exchequer, are now in force, and Difficulties have also arisen in regard to the Manner and Form of obtaining Relief from Double Land Tax, by reason of the great Variation and Increase in the annual Value of Lands, and of the Proportions of Land Tax which have been redeemed or exonerated from Assessment; and it is expedient that such Doubts should be removed, and that the Mode of affording Relief should be more clearly defined; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

38 G. 3. c. 5.

Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in all Cases of Assessment for any Year commencing, where any Manors, Lands, Tenements, Rents, Hereditaments, or Estates which shall have a Proportion to raise by virtue of the said last-recited Act of the Thirty-eighth Year of the Reign of His said Majesty King *George* the Third shall be charged with a Double Rate, by the Valuation and Assessment of the same Manors, Lands, Tenements, Rents, Hereditaments, or Estates for the former Aid of Four Shillings in the Pound which was made in pursuance of the said Act of the Fourth Year of the Reign of Their said late Majesties King *William* and Queen *Mary*, and in all Cases where such Double Tax shall have been so charged on any Estates, and such Estates have not under the Provisions of the said Acts been made liable to a single Assessment only, it shall be lawful for the Commissioners of the Land Tax for the respective Counties, Districts, or Divisions, where any such Manors, Lands, Tenements, Rents, Hereditaments, or Estates are situate, upon Complaint thereof before them being first made by or on behalf of the Owner or Occupier of such Manors, Lands, Tenements, Rents, Hereditaments, or Estates as aforesaid, to examine into the Matter of such Complaint, and to satisfy themselves of the Truth thereof, and if they think necessary, to require Proof thereof by the Oaths of Two credible Witnesses, or by a Certificate or Office Copy from the Clerk of the Peace of the County wherein such Manors, Lands, Tenements, Rents, Hereditaments, or Estates are situate, of the Registry of such Manors, Lands, Tenements, Rents, Hereditaments, or Estates, made pursuant to the before-recited Act of the First Year of the Reign of His said Majesty King *George* the First, and by the Production of the Assessments that the said Manors, Lands, Tenements, Rents, Hereditaments, or Estates are charged with or assessed to the same Sums as they were charged with or assessed to previous to or in the said Thirty-first Year of the Reign of His late Majesty King *George* the Third; and if the said Commissioners shall be satisfied of the Truth thereof, they the said Commissioners, or any Two or more of them, are hereby required and empowered to certify, in Writing under their Hands, to the Lords Commissioners of His Majesty's Treasury for the Time being, the Names of such Owner or Occupier, and the Amount of the Overcharge on such Owner or Occupier; and the Certificate of the said Commissioners, attested by their Clerk, shall be transmitted to the Commissioners for the Affairs of Taxes, and shall be in the following Form:

Where Lands are charged with a double Rate the Commissioners of the Land Tax shall, upon Complaint, examine into the Matter, and, if satisfied of the Truth thereof, certify the same to the Treasury.

Form of Certificate.

'WE, the undersigned, being the Commissioners of Land Tax
'for the of in the Hundred of
'in the County of do hereby certify,
'That we have heard the Complaint of touching
'the Assessment of the Complainant's Estate to Double Land Tax
'in the said , and that the said Assessment, a true
'Copy whereof is hereunto annexed, doth exceed by the Sum of
'the just Proportion which would have been
'charged on the said Estate in case the said Estate had not been

'the

'the Property of a Person who refused to take the Oaths required 'by an Act passed in the Fourth Year of the Reign of Their Majesties 'King *William* and Queen *Mary*, intituled *An Act for granting to 'Their Majesties an Aid of Four Shillings in the Pound, for One Year, 'for carrying on a vigorous War with* France. [*Here add a true 'Copy of the Assessment.*]'

The Treasury, upon being satisfied of the Accuracy of the Certificate, may order the Commissioners of the District to discharge such Double Land Tax.

And the said Lords Commissioners of the Treasury, or the Commissioners for the Affairs of Taxes under their Authority, are hereby empowered to inquire and inform themselves of the Truth of the said Certificate; and in all Cases where they shall be satisfied thereof, the said Commissioners of the Treasury, or with their Consent the Commissioners for the Affairs of Taxes, or any Two or more of them, are hereby required and authorized, by Warrant under the Hands of any Two of the last-mentioned Commissioners, to empower the Commissioners of the District to which such Certificate shall relate to discharge or cause to be discharged such Sum or Sums of Money so certified as aforesaid, or such Part thereof as shall appear to be Double Land Tax, from all future Assessments; and the said Sum or Sums of Money shall and may be then discharged upon the Duplicates to be returned for the said County, District, or Division respectively, and shall be allowed upon the Accounts of the Receivers General for the same; and the Inhabitants of such County, District, or Division shall stand acquitted, as against His Majesty, His Heirs and Successors for ever, touching the Charge of Payment of such Sum or Sums of Money so discharged by this Act in manner aforesaid: Provided always, and nothing herein contained shall extend the Relief hereby granted in respect of Double Land Tax now charged on any Manors, Messuages, Lands, Tenements, or Hereditaments purchased by any Person or Persons for a valuable Consideration, subject to such Double Land Tax as a Charge and Incumbrance on such Estate or any Part thereof, nor shall any Person or Persons claiming under such a Purchase Title be entitled so to claim the Benefit of this Act; and no Discharge of the Double Land Tax from any Assessment for any current Year shall be granted, unless such Certificate as aforesaid shall be transmitted to the Commissioners for the Affairs of Taxes on or before the Tenth Day of *October* in such Year.

Proviso as to Lands purchased subject to such Double Tax.

Appeal.

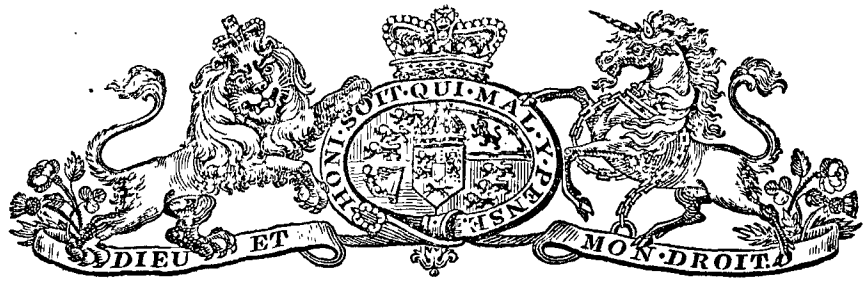
II. Provided nevertheless, and be it further enacted, That if the said Commissioners of Land Tax, or any Two or more of them, shall refuse to hear such Complaint, or having heard it shall decide against the fair and reasonable Construction of the Evidence produced in support thereof, or if the Party making Application for Relief under any Certificate as aforesaid shall be dissatisfied with the Decision of the said Lords Commissioners of the Treasury, that then and in either of such Cases it shall be lawful for the Party or Parties aggrieved to appeal to His Majesty's Court of Exchequer touching the Matter of such Grievance, having first given Ten Days Notice at least of his, her, or their Intention so to do, to the said Commissioners of the District to which such Certificate shall relate, or to the Commissioners for the Affairs of Taxes, or their Solicitor,

in any Case where the intended Application to the Court shall relate to the Determination of the said Lords Commissioners of the Treasury.

The Single Rate in Cases of Relief from Double Tax shall be subject to Variation by equal Pound Rate.

III. And be it further enacted, That nothing herein contained shall be construed to make permanent or perpetual the Single Land Tax remaining on any Lands or Hereditaments to be discharged from Double Land Tax under the Provisions of this Act; but that every such Single Tax shall remain subject to Variation by equal Pound Rate, with the rest of the Lands in each Parish, Township, or Place in which the same shall be situate, for raising the Proportions of Land Tax charged thereon by the Rules, Provisions, and Directions of the several Acts in force for assessing and raising the Land Tax.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXII.

An Act to amend the Laws relating to Hackney Carriages, and to Waggons, Carts, and Drays, used in the Metropolis; and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in *England* under the Commissioners of Stamps.

[22d *September* 1831.]

WHEREAS it is expedient to reduce into One Act, and to alter and amend, the Provisions of several Acts now in force, passed in the Parliaments of *Great Britain* and the United Kingdom respectively, relating to Hackney Carriages within the Cities of *London* and *Westminster* and the Suburbs thereof, and also the several Parishes and Places comprised within the Weekly Bills of Mortality; and it is also expedient to place the Collection of the Duty upon or in respect of such Hackney Carriages under the Care and Management of the Commissioners of Stamps: And whereas it is expedient to repeal the Laws relating to the registering and numbering of Waggons, Carts, and Drays used in the Metropolis, and to make other Regulations in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

 That

Certain Acts declared in force until 5th Jan. 1832, and then repealed; viz.

That the several Acts and Parts of Acts herein-after mentioned, or so much and such Part and Parts thereof as are now in force, shall respectively remain and continue in force until and upon the Fifth Day of *January* in the Year One thousand eight hundred and thirty-two, and shall from thenceforth respectively cease, determine, and be repealed; (that is to say,) the several Acts and Parts of Acts passed in the Parliaments of *Great Britain* herein-after specified, namely, so much of the several Acts herein-after next mentioned as in any Manner relates to the licensing or regulating of Hackney Coaches or Chairs, (that is to say,) of an Act passed in the Ninth Year of the Reign of Queen *Anne*, made for the Purpose (among other Things) of licensing and regulating Hackney Coaches and Chairs; and of an Act of the Tenth Year of the said Queen *Anne*, made for the Purpose (among other Things) of licensing an additional Number of Hackney Chairs; and the whole of an Act passed in the Twelfth Year of the Reign of the said Queen *Anne*, intituled *An Act for explaining the Acts for licensing Hackney Chairs*; and so much as in any Manner relates to the licensing or regulating of Hackney Coaches or Chairs of an Act passed in the First Year of the Reign of His Majesty King *George* the First, made for the Purpose (among other Things) of better regulating Hackney Coaches within the Cities of *London* and *Westminster* and the Weekly Bills of Mortality; and of an Act of the Third Year of the Reign of the said King *George* the First, passed for the Purpose (among other Things) of redeeming certain Duties, Revenues, and Annuities, and for establishing a general yearly Fund for the future Payment of Annuities at several Rates, to be payable and transferrable at the Bank of *England*, and redeemable by Parliament; and of an Act of the Twelfth Year of the Reign of the said King *George* the First, passed for the Purpose (among other Things) of adding One hundred additional Hackney Chairs to those already licensed; and of an Act of the Sixteenth Year of the Reign of His Majesty King *George* the Second, passed for the Purpose of continuing several Laws relating (among other Things) to the additional Number of One hundred Hackney Chairs, and to the Powers given for regulating Hackney Coaches and Chairs; and also so much of an Act of the Eighteenth Year of the Reign of the said King *George* the Second, passed for the Purpose of preventing the Misbehaviour of the Drivers of Carts in the Streets of *London*, *Westminster*, and the Limits of the Weekly Bills of Mortality, and for other Purposes; and of an Act of the Thirtieth Year of the Reign of the said King *George* the Second, passed for the Purpose of explaining and amending the said last-mentioned Act, as in any Manner relates to the registering or numbering of Carts, Cars, Drays, and other Carriages driven or used within the Cities of *London* and *Westminster* and the Suburbs thereof, the Borough of *Southwark*, and the Limits of the Weekly Bills of Mortality; and the whole of an Act passed in the Thirty-third Year of the Reign of the said King *George* the Second, intituled *An Act for continuing certain Laws relating to the additional Number of One hundred Hackney Chairs, and to the Powers given for regulating Hackney Coaches and Chairs*; and so much of an Act of the Fourth Year of the Reign of His late Majesty King *George* the Third, passed for the Purpose (among other Things) of extending the Laws relating to Hackney Coaches to the Counties of *Kent* and *Essex*,

Acts of Great Britain:

9 Ann. c. 23. ss. 1 to 22.

10 Ann. c. 19. ss. 158 & 159.

12 Ann. c. 15.

1 G. 1. c. 57. ss. 1 to 5.

3 G. 1. c. 7. s. 1.

12 G. 1. c. 12. ss. 13, 14 & 15.

16 G. 2. c. 26. ss. 3 & 4.

18 G. 2. c. 33.

30 G. 2. c. 22. ss. 1 & 2.

33 G. 2. c. 25.

4 G. 3. c. 36. s. 2.

Essex, as in any Manner relates to such last-mentioned Purpose; and so much of Two several Acts passed respectively in the Seventh and Tenth Years of the Reign of the said King *George* the Third, for the Purpose (among other Things) of explaining and amending several Acts of Parliament relating to Hackney Coaches and Chairs, as in any Manner relates to such last-mentioned Purpose; and the whole of the several Acts next following, (that is to say,) an Act passed in the Eleventh Year of the Reign of the said King *George* the Third, intituled *An Act for licensing an additional Number of Hackney Coaches, and applying the Monies arising thereby;* and another Act passed in the said Eleventh Year of the Reign of the said King *George* the Third, intituled *An Act for punishing Offences committed by Hackney Coachmen and Chairmen within certain Districts and Places therein mentioned, and for renewing the Registry of Carts and Carriages;* and an Act of the Twelfth Year of the Reign of the said King *George* the Third, passed for the Purpose of explaining and amending the said recited Act of the Seventh Year of the same King's Reign, so far as the same relates to Hackney Coaches; and an Act passed in the Twenty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for laying an additional Duty on Hackney Coaches, and for explaining and amending several Acts of Parliament relating to Hackney Coaches;* and an Act passed in the Twenty-sixth Year of the Reign of His said Majesty King *George* the Third, for explaining and amending the said last-recited Act of the Twenty-fourth Year of the Reign of His said Majesty; and an Act of the Thirty-second Year of the Reign of His said Majesty King *George* the Third, passed for the Purpose of explaining and amending so much of the said recited Act of the Seventh Year of the Reign of His said Majesty as relates to Hackney Coaches and Chairs; and an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His said Majesty King *George* the Third, intituled *An Act for repealing the Rates and Fares taken by licensed Hackney Coachmen, and for establishing other Rates and Fares in lieu thereof, and for explaining and amending several Laws relating to Hackney Coaches and Chairs;* and the whole of the several Acts passed in the Parliaments of the United Kingdom of *Great Britain* and *Ireland*, herein-after specified, (namely,) an Act passed in the Forty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to authorize the licensing an additional Number of Hackney Coaches;* and an Act passed in the Forty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for explaining and amending the several Acts relating to Hackney Coaches employed as Stage Coaches, and for indemnifying the Owners of Hackney Coaches who have omitted to take out Licences pursuant to an Act made in the Twenty-fifth Year of His present Majesty;* and an Act passed in the Forty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for repealing the Rates and Taxes taken by licensed Hackney Coachmen, and for establishing others in lieu thereof, and for amending several Laws relating to Hackney Coaches;* and an Act passed in the Fifty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for the better Regulation of the Drivers of licensed Hackney Coaches, for explaining and amending an Act passed in*

7 G. 3. c. 44. ss. 9 to 21.
10 G. 3. c. 44. ss. 4 to 9.
11 G. 3. c. 24.
11 G. 3. c. 28.
12 G. 3. c. 49.
24 G. 3. c. 27.
26 G. 3. c. 72.
32 G. 3. c. 47.
39 & 40 G. 3. c. 47.
Acts of the United Kingdom:
42 G. 3. c. 78.
44 G. 3. c. 88.
48 G. 3. c. 87.
54 G. 3. c. 147.

in the Forty-eighth Year of His present Majesty, relating to Hackney Coaches, and for authorizing the licensing of a limited Number of Hackney Chariots; and an Act passed in the Fifty-fifth Year of the
55G.3. c.159. Reign of His said Majesty King *George* the Third, intituled *An Act to amend several Acts relating to Hackney Coaches, for authorizing the licensing of an additional Number of Hackney Chariots, and for licensing Carriages drawn by One Horse;* and an Act passed in the Fifty-seventh Year of the Reign of His said Majesty King *George*
57G.3 c.125. the Third, intituled *An Act to authorize the driving and keeping a Hackney Coach or Chariot under the same Licence;* and the said several recited Acts and Parts of Acts, or so much and such Parts thereof as are now in force, shall respectively remain and continue in force until and upon the said Fifth Day of *January* One thousand eight hundred and thirty-two, and from and immediately after that Day the same shall be and are hereby severally repealed accordingly, save and except so far as the said Acts or any of them repeal the Whole or any Part of any former Act or Acts, and except as to any Duties, Penalties, or Forfeitures incurred and not recovered, and to any Offences or other Matters committed or done before or upon the said Fifth Day of *January* One thousand eight hundred and thirty-two.

Former Licences to cease, and the Plates to be delivered up to the Commissioners of Stamps.

II. And be it enacted, That all Licences to drive, keep, and let to Hire any Hackney Coach, Chariot, or Two-wheeled Carriage, granted or to be granted by the Commissioners appointed by His Majesty's Commission for regulating and licensing such Hackney Coaches, Chariots, and Two-wheeled Carriages, under or by virtue of the said several recited Acts or any of them, shall also cease and determine from and after the said Fifth Day of *January* One thousand eight hundred and thirty-two; and every Person to whom any such Licence shall have been granted shall, either before or within One Calendar Month next after the said Fifth Day of *January* One thousand eight hundred and thirty-two, deliver up to the Commissioners of Stamps, or to their authorized Officer, at the Head Office for Stamps in the City of *Westminster*, the numbered Plate or Plates appertaining to every such Licence, or, in default thereof, every such Person shall forfeit Forty Shillings for every such Plate which he shall neglect or omit so to deliver up within the Time herein-before limited for that Purpose.

Grant of Stamp Duties specified in the Schedule (A.) hereto annexed.

III. And be it enacted, That from and after the Commencement of this Act there shall be raised, levied, and paid unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of every Licence and every Hackney Carriage mentioned and described in the Schedule (A.) to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the same Schedule; and that the said Schedule shall be deemed and taken to be Part of this Act; and that all the said Duties shall be under the Management of the Commissioners of Stamps, and shall be denominated and deemed to be Stamp Duties.

IV. And

Definition of a Hackney Carriage.

IV. And be it enacted, That every Carriage with Two or more Wheels which shall be used for the Purpose of standing or plying for Hire in any public Street or Road at any Place within the Distance of Five Miles from the General Post Office in the City of *London*, whatever may be the Form or Construction of such Carriage, or the Number of Persons which the same shall be calculated to convey, or the Number of Horses by which the same shall be drawn, shall be deemed and taken to be a Hackney Carriage within the Meaning of this Act; and in all Proceedings at Law or otherwise, and upon all Occasions whatsoever, it shall be sufficient to describe any such Carriage as aforesaid by the Term "Hackney Carriage," without further or otherwise describing the same: Provided always, that nothing in this Act contained shall extend to any Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and being duly licensed by the Commissioners of Stamps for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches.

Horses used in drawing Hackney Carriages not to be subject to the Duties imposed by 4 G. 4. c. 62. on Horses let for Hire.

V. And be it enacted, That the Duties granted by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Duties on Horses let to Hire for the Purpose of travelling in* Great Britain, *and to grant other Duties in lieu thereof, and to provide for letting the same to farm*, shall not be deemed to attach upon or be payable in respect of any Horse used in drawing any Hackney Carriage which shall be duly licensed under the Provisions of this Act, where the same shall be used to go no greater Distance than Ten Miles from the General Post Office in the City of *London*, provided such Hackney Carriage shall be regularly and constantly used for the Purpose of standing and plying for Hire in the public Streets or Roads within the Distance of Five Miles from the said General Post Office.

Hackney Carriages not to be kept without Licences, nor without Plates.

VI. And be it enacted, That it shall not be lawful for any Person to keep, use, employ, or let to Hire any Hackney Carriage, at any Place within the Distance of Five Miles from the General Post Office in the City of *London*, unless such Person shall have a Licence in force so to do under the Hands of Two of the Commissioners of Stamps, or under the Hand of some Person duly authorized by the said Commissioners to grant such Licence, nor unless there shall be fixed on such Hackney Carriage, in the Manner herein-after mentioned, the numbered Plate herein-after directed to be delivered with every such Licence.

Licences to be granted by the Commissioners of Stamps or their Officers.

VII. And be it enacted, That any Two of the Commissioners of Stamps, or any Person duly authorized by the said Commissioners, shall grant Licences under their or his Hands or Hand, upon the Terms and Conditions and in the Manner herein-after mentioned, to keep, use, employ, and let to Hire any Hackney Carriage at any Place within the Distance of Five Miles from the General Post Office in the City of *London*; and the said Commissioners, or the Person so authorized to grant such Licences as aforesaid, shall at the Time of granting every such Licence, and at all other Times

when necessary, deliver to the Persons applying for such Licences respectively a numbered Plate, to be fixed upon every such Hackney Carriage in the Manner herein-after mentioned, upon which said Plate there shall be painted a Number corresponding with the Number which shall be inserted in such Licence, together with such Device as the said Commissioners shall think fit to cause to be painted on every such Plate; and such Plate shall be known and distinguished from other Plates required by this Act to be fixed upon Hackney Carriages by the Name of the Stamp Office Plate: Provided always, that it shall be lawful for the said Commissioners, if they shall think proper, to refuse to grant any such Licence to any Person whose former Licence shall have been revoked by the said Commissioners under or by virtue of any of the Powers or Authorities contained in this Act, or to any Person who shall be in arrear for any Duties granted by this Act; and provided also, that no such Licence shall be granted to any Person under the Age of Twenty-one Years, nor to any Person who shall have been at any Time convicted of Felony, or of knowingly receiving stolen Property.

Before 5th Jan. 1833, Licences not to exceed 1,200, and Preference to be given to the Holders of former Licences.

VIII. And be it enacted, That until the Fifth Day of *January* One thousand eight hundred and thirty-three the Number of Licences so to be granted by the Commissioners of Stamps or their authorized Officer which shall be in force at one and the same Time shall not at any Time exceed Twelve hundred, and that in the granting of such Licences as aforesaid the said Commissioners shall first give preference to the Applications of such Persons as shall be possessed of Licences granted under any former Act to keep Hackney Coaches, Chariots, or Two-wheeled Carriages, and in force at the Time of or at any Time within One Calendar Month next preceding the Commencement of this Act, and who, at any Time within One Calendar Month next preceding or before the Expiration of One Calendar Month next following the said Commencement, shall apply for Licences under this Act; and the said Commissioners or their authorized Officer shall grant to such Persons respectively the same Number of Licences under this Act which such Persons shall respectively hold and have in force as aforesaid under any former Act, or any less Number which such Persons respectively may think proper to apply for; and in case the Number of such Licences which shall be so granted to such Persons as aforesaid, and which shall be in force at one and the same Time, shall, at any Time after the Expiration of One Calendar Month next after the Commencement of this Act, and before the Fifth Day of *January* One thousand eight hundred and thirty-three, be or become less than Twelve hundred, then it shall be lawful for the said Commissioners or their authorized Officer to grant such Licences to the Extent of Twelve hundred in the whole to such Persons as the said Commissioners shall think fit.

After 5th Jan. 1833, Licences to be granted without Limitation of Number.

IX. And be it enacted, That from and after the Fifth Day of *January* One thousand eight hundred and thirty-three the said Commissioners or their authorized Officer shall grant to any Person or Persons who shall apply for the same any such Licence or Licences as aforesaid under the Authority of this Act, without regard to the

Number of such Licences which at the Time of such Application may have been granted or may be then in force.

Persons possessed of Licences at the Commencement of this Act to be entitled to new Licences, without Payment of the Duty of 5*l*.

X. Provided always, and be it enacted, That every Person who shall be possessed of any Licence or Licences to keep any Hackney Coach, Chariot, or Two-wheeled Carriage, granted to him under any former Act, and in force at the Time of or at any Time within One Calendar Month next preceding the Commencement of this Act, shall be entitled to have the same or any less Number of new Licences granted to him under the Authority of this Act, without the Payment of the Duty of Five Pounds by this Act imposed on every such Licence; provided he shall produce and deliver up to the Commissioners of Stamps the said Licence or Licences of which he shall be so possessed, together with the numbered Plate or Plates appertaining thereto, and shall apply for such new Licence or Licences within One Calendar Month next preceding or before the Expiration of One Calendar Month next following the Commencement of this Act.

Persons applying for Licences to sign a Requisition for the same.

XI. And be it enacted, That before any such Licence as aforesaid shall be granted under the Provisions of this Act, a Requisition for the same, in such Form as the Commissioners of Stamps shall from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence shall be applied for; and in every such Requisition there shall be truly specified and set forth the Christian Name and Surname and Place of Abode of the Person applying for such Licence, and of every Person who shall be a Proprietor or Part Proprietor of such Hackney Carriage, or who shall be concerned either solely or in Partnership with any other Person in the keeping, using, employing, or letting to Hire of such Hackney Carriage; and in case any Person on applying for any such Licence shall neglect or omit to specify truly in such Requisition as aforesaid the Name of any Person who shall be a Proprietor or Part Proprietor of such Hackney Carriage, or who shall be concerned as aforesaid in the keeping, using, employing, or letting to Hire of such Hackney Carriage, every Person so offending shall forfeit Ten Pounds.

What shall be specified in the Licences.

XII. And be it enacted, That there shall be specified in every such Licence to be granted as aforesaid the true Christian Name and Surname and Place of Abode of the Person and of every Person who shall be a Proprietor or Part Proprietor of the Hackney Carriage in respect of which such Licence shall be granted, or who shall be concerned either solely or in Partnership with any other Person in the keeping, using, employing, or letting to Hire of such Hackney Carriage, the Number which shall be painted or marked on the Plates to be fixed on such Hackney Carriage, together with such Clauses and Conditions for more effectually securing the Payment of the weekly Duty by this Act made payable in respect of every such Licence as the Commissioners of Stamps in their Discretion shall think fit; and every such Licence shall bear Date on the Day on which the same shall be granted.

XIII. And

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

XIII. And be it enacted, That as often as any Person named as the Proprietor or One of the Proprietors in any Licence to keep, use, employ, and let to Hire any Hackney Carriage under the Provisions of this Act, shall change his Place of Abode, he shall within Seven Days next after such Change give Notice thereof in Writing, signed by him, to the Commissioners of Stamps, specifying in such Notice his new Place of Abode; and such Proprietor shall at the same Time produce such Licence to the proper Officer at the Head Office for Stamps in *Westminster*, who shall indorse thereon and sign a Memorandum specifying the Particulars of such Change; and if any Person named as the Proprietor or One of the Proprietors of any Hackney Carriage in any such Licence as aforesaid shall change his Place of Abode, and shall neglect or omit to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be indorsed thereon, within the Time and in the Manner limited and directed by this Act, he shall forfeit Forty Shillings.

Penalty 40*s*.

Names and Places of Abode of the Proprietors of Hackney Carriages, and the Numbers of the Plates, to be registered at the Guildhall in London.

XIV. And be it enacted, That the Proprietor of every Hackney Carriage licensed under the Provisions of this Act shall, within Seven Days next after any such Licence shall be granted to him, leave at the Office of the Commissioners of Sewers of the said City of *London* and Liberties thereof for the Time being, at the Guildhall in the City of *London*, with the Principal Clerk or the Assistant Clerk to the said Commissioners, a true Account in Writing of his Christian Name and Surname and Place of Abode, and of the Number of the Plate granted with any such Licence, and every such Proprietor shall in like Manner deliver at the said Office a similar Account from Time to Time as often as and within Seven Days next after his Place of Abode or the Number of the Plate granted to him as aforesaid shall be changed, upon pain that every such Proprietor who shall refuse or neglect to deliver such Account as aforesaid, within the Time and in the Manner directed by this Act, shall forfeit Forty Shillings.

Penalty 40*s*.

Duties in what Manner to be paid.

XV. And be it enacted, That the weekly Sum of Ten Shillings by this Act reserved and made payable in respect of every such Licence as aforesaid shall be due and payable in advance, in manner following; that is to say, the Person to whom any such Licence shall be granted shall, at the Time of the granting thereof, pay in advance to the Receiver General of Stamp Duties, at the Head Office for Stamps in the City of *Westminster*, the said weekly Duty, computed from the Day of the Date of such Licence, if the same shall bear Date on a *Monday*, and if the same shall bear Date on any other Day of the Week, then from the *Monday* next preceding the Day of the Date thereof, up to the first *Monday* of the next succeeding Calendar Month; and on the first *Monday* of every Calendar Month the Person to whom such Licence shall be granted shall pay in advance the said weekly Duty up to the first *Monday* in the next succeeding Calendar Month, and so on from Time to Time during the Continuance of every such Licence; and the said weekly Duty shall accordingly be paid in advance, from Time to Time, in manner aforesaid, to the said Receiver General, or in default

default thereof it shall be lawful for the Commissioners of Stamps to revoke and make void any such Licence, and to call in the numbered Plate relating thereto.

Mode of discontinuing Licences.

XVI. And be it enacted, That when any Person to whom any such Licence shall have been granted shall determine to give up such Licence, and to discontinue the Use of the Hackney Carriage in respect of which the same may have been granted, such Person shall give Notice in Writing of such his Determination to the Commissioners of Stamps, or to the Officer authorized to grant such Licences; and when the Time for giving up such Licence according to such Notice shall have expired, and the Plate mentioned in such Licence shall have been redelivered to the said Commissioners or to such Officer as aforesaid, such Licence shall cease and determine, and shall be no longer in force, and the Person so previously licensed shall not be charged or chargeable with the said weekly Duty in respect of such Licence for any Period subsequent to the Expiration of such Notice and the Redelivery of such Plate: Provided always, that no such Licence as aforesaid shall by any such Notice be made to cease or expire on any other Day than on the first *Monday* in some Calendar Month subsequent to the Delivery of such Notice, up to which Period the said weekly Duty shall be payable; any thing herein-before or in any such Notice contained to the contrary notwithstanding.

Plates to be delivered up on the Discontinuance or Revocation of such Licences.

XVII. And be it enacted, That whenever any Person shall give Notice to the Commissioners of Stamps, or their authorized Officer, of his Intention to give up any Licence granted under this Act for or in respect of any Hackney Carriage, and also whenever any such Licence as aforesaid granted to any Person shall be revoked by the said Commissioners, such Person to whom any such Licence as aforesaid shall have been granted shall deliver up the numbered Plate mentioned in such Licence, or in any Indorsement thereupon, to the said Commissioners or to their authorized Officer; and every such Person who shall neglect or refuse so to deliver up such Plate within Three Days after the Expiration of Notice of his Intention to give up such Licence, or of the Revocation thereof, as the Case may be, shall forfeit Ten Pounds, and shall also continue to be subject and liable to the Payment of the said weekly Duty by this Act charged in respect of every such Licence.

Penalty 10*l.*

Carriages, Horses, Harness, &c. liable to Duties and Penalties.

XVIII. And be it enacted, That all Carriages, Horses, and Harness, and other Articles and Things, kept, used, or employed for the Purpose of being let for Hire by any Person to whom any such Licence as aforesaid shall be granted under the Provisions of this Act, shall be subject and liable to and chargeable with all the Duties which shall from Time to Time become due and payable from or by such Person for or in respect of any such Licence as aforesaid granted to him, and to and with all Penalties which may be imposed upon or incurred by such Person under this Act, and also to and with the Costs and Expences of all Proceedings which shall or may be had or taken for the Recovery of any such Duties and Penalties respectively; and all such Carriages, Horses, Harness, and other

Articles and Things may be distrained or otherwise seized or taken to satisfy such Duties, Penalties, Costs, and Expences, or any Part thereof respectively, in or into whose Custody or Possession soever such Carriages, Horses, Harness, and other Articles shall or may be or come, and by or under what Right or Title soever the same shall or may be held or claimed; and in case any Person in or into whose Custody or Possession any such Carriages, Horses, Harness, or other Articles shall be or come by or under any Means or Title whatsoever, shall convert the same to his own Use, or shall sell or dispose thereof for the Use or Benefit of any other Person, after Notice given by the Commissioners of Stamps, or their Solicitor, or by any other Officer of Stamp Duties, that such Carriages, Horses, Harness, or other Articles are subject and liable to or chargeable with any of the Duties, Penalties, Costs, and Expences aforesaid, every Person so converting or selling or disposing of such Carriages, Horses, Harness, or other Articles shall be accountable to His Majesty to the Extent of the Value of such Carriages, Horses, Harness, or other Articles, for the Duties, Penalties, Costs, and Expences to or with which such Carriages, Horses, Harness, or other Articles shall be subject, liable, or chargeable, and the same may be sued for and recovered under and by virtue of this Act as a Debt due to His Majesty accordingly.

Duties recoverable by Distress.

XIX. And be it enacted, That if any Person to whom any such Licence as aforesaid shall be granted shall make Default in Payment of the said weekly Duty which shall become due or payable in respect of such Licence, at the Time and in the Manner by this Act appointed for Payment thereof, it shall be lawful for any Two of the Commissioners of Stamps to grant a Warrant to any Constable or Police Officer, or to any Officer of Stamp Duties, directing him to distrain every such Person so making Default as aforesaid, by his Goods and Chattels, and also to seize and take the Carriages, Horses, Harness, and other Articles and Things by this Act made subject and liable to such Duty, for the Amount of the Duty so due or payable as aforesaid, and of all the Costs, Charges, and Expences incident or relating to the taking and keeping of such Distress; and it shall be lawful for such Constable or for any such Officer as aforesaid to make such Distress and Seizure accordingly; and the Distress so taken to detain and keep for the Space of Five Days, at the Costs and Charges of the Person distrained; and if the Amount of such Duty, and of all the Costs, Charges, and Expences aforesaid, shall not be paid within such Space of Five Days, then such Constable or other Officer shall cause the Goods and Chattels, Carriages, Horses, Harness, and other Things so seized or taken, to be sold in the Manner directed by this Act, and shall render the Overplus, if any, of the Money arising by the Sale thereof, after deducting and retaining the Amount of such Duty, and all the Costs, Charges, and Expences aforesaid, as well as the Charges and Expences of the Sale, to the Person so distrained, or to the Ower of the Carriages, Horses, Harness, or other Things so seized and taken as aforesaid; and for the Purpose of taking such Distress it shall be lawful for such Constable or Police Officer, or for such Officer of Stamp Duties in the Presence of any Constable or Police Officer, where any Refusal or

Resistance shall be made, to break open, in the Day-time, any House or Place where any such Carriages, Horses, Harness, or other Articles or Things, or any Goods or Chattels, to be seized or taken under such Warrant as aforesaid, shall be.

Numbered Plates to be placed upon Hackney Carriages.

XX. And be it enacted, That upon every Hackney Carriage which shall be used for the Purpose of standing or plying for Hire, or which shall be let for Hire, within the Distance of Five Miles from the General Post Office in the City of *London*, the Stamp Office Plate shall be fixed in a conspicuous Place on the Outside of the Back of such Hackney Carriage; and there shall also be fixed upon every such Hackney Carriage, in the Manner herein-after directed, Three other numbered Plates, of the Description herein-after mentioned, to be provided for this Purpose by the Proprietor of such Hackney Carriage; that is to say, a Plate, having thereon the Number of the Stamp Office Plate placed upon such Hackney Carriage, denoted by projecting Figures of One Inch and a Half at least in Length, and of a proportionate Breadth, and without any other Figure or any Letter or other Device thereon, shall be fixed in a conspicuous Place on the Inside of the Back of such Hackney Carriage; and Two other Plates, upon which there shall be painted, in Letters and Figures of Black upon a White Ground, the Christian Name and Surname of the Proprietor or of One of the Proprietors of such Hackney Carriage, and the Number of the said Stamp Office Plate, shall respectively be fixed in some conspicuous Place on each Side of such Hackney Carriage; and if it shall happen that the Commissioners of Stamps or their authorized Officer shall be dissatisfied with the Position of any Plate fixed or placed upon any such Hackney Carriage, and shall direct such Plate to be placed upon some other conspicuous Part of any such Hackney Carriage, such Plate shall be placed and fixed accordingly upon any Part of such Hackney Carriage in compliance with such Direction; and every such Plate shall be placed and fixed upon every such Hackney Carriage in such Manner that the Number thereon shall be at all Times plainly and distinctly visible and legible; and if any Proprietor or Driver of any Hackney Carriage shall permit or suffer any such Plate, or the Number on any such Plate, placed or fixed upon such Hackney Carriage, to be in any Manner or by any Means concealed from public View, or to be inverted, or if such Proprietor or Driver, or any Waterman or Assistant to the Drivers of Hackney Carriages, shall molest or oppose or by any Means endeavour to prevent any Person in or from inspecting any such Plate fixed or placed upon any such Hackney Carriage, or in or from taking or noting the Number thereof, or if any such Proprietor, Driver, or Waterman or Assistant shall by Word of Mouth give or declare to any Person a wrong Number as or for the Number of such Plate or of such Hackney Carriage, such Proprietor, Driver, or Waterman or Assistant shall forfeit Five Pounds.

Penalty for concealing Plates, or preventing Persons inspecting and taking the Number thereof.

Commissioners may change Plates.

XXI. And be it enacted, That whenever, in the Opinion of the Commissioners of Stamps or their authorized Officer, it shall be expedient to recall any Plate for the Purpose of changing the same for any other Plate bearing the same or a different Number, the said Commissioners

Commissioners or such Officer shall give Notice to the Person or to any One of the Persons to whom the Licence relating to such Plate shall have been granted, that the said Commissioners or such Officer do or doth by such Notice recall such Plate; and the Person to whom such Licence shall have been granted shall within One Week after such Notice deliver up such Plate, and produce the Licence relating to the same, to the said Commissioners or to their authorized Officer, and also apply to the said Commissioners or such Officer for a new Plate; and thereupon the said Commissioners or such Officer shall deliver to the Person so applying for the same a new Plate in lieu of the Plate so as aforesaid recalled; and if such new Plate shall bear a Number different from the Number mentioned in such Licence, the said Commissioners or such Officer shall indorse upon such Licence a Memorandum of the Surrender of the Plate therein mentioned, and of the granting of such new Plate in lieu thereof; and from thenceforth such Licence shall be deemed to relate to such new Plate in the same Manner as if the Number thereof had been originally inserted in the Body of such Licence: Provided always, that if it shall appear to the said Commissioners or to their authorized Officer that the Number upon any such Plate so delivered up as aforesaid hath been wilfully obliterated, or hath been rendered illegible by any other Means than by the regular and proper Use and Wear thereof, it shall be lawful for the said Commissioners or such Officer to refuse to deliver any Plate in lieu of the Plate so surrendered and delivered up as aforesaid, unless the Person applying for the same shall also surrender and deliver up the Licence relating to such surrendered Plate, and shall take out and pay for a new Licence with and relating to the Plate to be delivered in lieu thereof.

Where a Plate has been wilfully obliterated, a new Licence shall be taken out.

Penalty for using, &c. a Hackney Carriage without Licence, or without Plates, or for not delivering up recalled Plates, 10*l.*

XXII. And be it enacted, That if any Person shall keep, use, employ, or let to Hire any Hackney Carriage at any Place within the Distance of Five Miles from the General Post Office in the City of *London*, without having a Licence in force so to do, or without having the proper numbered Plates properly placed and fixed upon such Hackney Carriage in the Manner required by this Act; or if any Person to whom any Licence shall have been granted under this Act to keep, use, employ, or let to Hire a Hackney Carriage, shall not, within One Week after Notice given to him, in the Manner directed by this Act, that the Stamp Office Plate to which such Licence shall relate hath been recalled, deliver up the Plate mentioned in such Notice, according to the Terms thereof, and produce the Licence relating to such Plate, and apply for a new Plate, and fix such new Plate upon his Hackney Carriage in the Manner directed by this Act, every such Person so offending in any of the several Cases aforesaid shall forfeit Ten Pounds.

Penalty on the Driver of a Carriage plying for Hire without Plates, 5*l.*

XXIII. And be it enacted, That if any Carriage shall be used for the Purpose of standing or plying for Hire as a Hackney Carriage in any public Street or Road at any Place within the Distance of Five Miles from the General Post Office in the City of *London*, such Carriage not having the proper Stamp Office Plate fixed thereon as required by this Act, the Driver of such Carriage, or the Person

plying

plying for Hire therewith, or having the Care thereof, not being the Owner or Proprietor thereof, shall forfeit Five Pounds, and if he shall be the Owner or Proprietor of such Carriage he shall forfeit Ten Pounds; and it shall be lawful for any Constable or Police Officer, or for any Officer of Stamp Duties, without any Warrant for that Purpose, to apprehend such Driver or other Person plying for Hire with or having the Care of such Carriage, and to convey him before any Justice of the Peace, to be dealt with as herein-after mentioned; and it shall also be lawful for such Constable or Police Officer, or Officer of Stamp Duties, to drive or take the Carriage not having such Plate, with the Horse or Horses harnessed thereto or drawing the same, or to cause the same to be driven or taken, to some public Green Yard, or to some Livery Stables or other Place of Safety, and there to lodge the same for safe Custody until the Determination of such Justice shall be known; and the Justice before whom such Driver or other Person shall be brought shall hear and determine such Offence; and in case the Person convicted of any such Offence shall be the Owner or Proprietor of such Carriage or of the said Horse or Horses, and if the Penalty in which he shall be convicted, together with the Costs and Expences, and the Expences of taking such Carriage and Horses to and keeping the same at such Green Yard, Stables, or other Place, shall not be fully paid or discharged within Five Days after such Conviction, such Carriage and Horses, together with the Harness used therewith, shall be sold by the Order under the Hand of such Justice, and the Surplus, if any, of the Produce of such Sale, after deducting therefrom the said Penalty, Costs, and Expences, and also the Expences of such Sale, shall be rendered to such Owner or Proprietor; but in case the Person so convicted shall not be the Owner or Proprietor of such Carriage or Horses, then in default of Payment of the Penalty in which he shall be convicted, together with the Costs and Expences aforesaid, such Justice shall commit the Offender to the Common Gaol or House of Correction, there to be kept for the Space of Three Calendar Months; and such Justice shall give an Order for the delivering up of the Carriage, Horses, and Harness to the Owner thereof, on his paying the Expences of taking and keeping the same; and in case of his Refusal to pay such Expences, then such Carriage, Horses, and Harness, or a sufficient Part thereof to defray such Expences, shall be sold by Order under the Hand of such Justice; and after Payment thereout of all such Expences as aforesaid, together with the Expences of such Sale, the Surplus, if any, of the Produce of such Sale, together with such Part of the Carriage, Horses, and Harness as shall remain unsold, shall be rendered and restored to the Owner.

If the Owner, 10*l.*

XXIV. And be it enacted, That in any Complaint or other Proceeding for the Recovery of any Penalty incurred under this Act in respect of or with relation to any Hackney Carriage, if Evidence shall be given that the Carriage in respect of which or in any Manner relating to which any such Proceeding shall be commenced or prosecuted was seen in or upon any public Street or Road having thereon any numbered Plate by this Act directed to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, such Carriage shall be deemed

Carriages having thereon Plates provided under this Act to be deemed Hackney Carriages.

and taken to be a Hackney Carriage, and such Evidence as aforesaid shall be received as sufficient Proof that such Carriage was kept, used, and employed, and let to Hire as a Hackney Carriage within the Meaning of this Act; and that in all such Proceedings as aforesaid, the Person named or described in the Licence granted with or relating to the Number of the Stamp Office Plate, if any, fixed or placed upon any such Carriage, whether such Licence shall be in force or not, shall for the Purposes of this Act be deemed to be the Proprietor of such Carriage, unless the contrary be proved.

Forgery, &c. of the Stamp Office Plate, a Misdemeanor.

XXV. And be it enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged, counterfeited, or resembled, the Stamp Office Plate by this Act directed to be provided for the Purpose of being fixed upon every Hackney Carriage, or if any Person shall wilfully fix or place, or shall cause or permit or suffer to be fixed or placed, upon any Hackney Carriage, or other Carriage, any such forged or counterfeited Plate as aforesaid, or if any Person shall sell or expose to Sale or utter any such forged or counterfeited Plate, or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have or be possessed of any such forged or counterfeited Plate, knowing such Plate to be forged or counterfeited, every Person so offending, and every Person knowingly and wilfully aiding, abetting, or assisting any Person in committing any such Offence as aforesaid, shall be adjudged guilty of a Misdemeanor, and, being thereof convicted, shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Officer of Stamp Duties, or for any Constable or Police Officer, to seize and take away any such Plate, in order that the same may be produced in Evidence against such Offender, or be disposed of as the Commissioners of Stamps shall think proper.

Proprietors of Hackney Carriages to be summoned to appear and produce the Drivers.

Penalty 40s.

XXVI. And be it enacted, That when any Information or Complaint shall be made before any Justice of the Peace against the Driver of any Hackney Carriage for any Offence committed by him against any of the Provisions of this Act, such Justice shall forthwith summon the Proprietor of such Hackney Carriage personally to appear, and to produce the Driver of such Hackney Carriage, to answer such Information or Complaint; and if any such Proprietor, being duly summoned, shall neglect or refuse personally to appear, or to produce such Driver according to such Summons, without a reasonable Excuse to be allowed by the Justice before whom he ought to appear according to such Summons, such Proprietor shall forfeit Forty Shillings, and so from Time to Time as often as he shall be so summoned, until such Driver shall be produced by him: Provided always, that if such Proprietor shall neglect or refuse to appear and produce such Driver on the second or any subsequent Summons requiring him so to do, without a reasonable Excuse to be allowed as aforesaid, it shall be lawful for such Justice to proceed to hear and determine the said Information or Complaint in the Absence of the said Proprietor and Driver, or of either of them, and upon Proof of such Offence by the Oath of One or more credible Witness or Witnesses to give Judgment

On Neglect on Second Summons Justices may proceed.

against such Proprietor for the Penalty incurred by reason of such Offence.

Penalties if not paid by Drivers to be levied on Proprietors;

XXVII. And be it enacted, That all pecuniary Penalties and Costs incurred by reason of any Offence committed by the Driver of any Hackney Carriage against the Provisions of this Act shall, unless such Driver shall pay the same, be levied by Distress and Sale of the Goods of the Proprietor of such Hackney Carriage, and for Want of sufficient Distress such Proprietor shall be committed to the Common Gaol or House of Correction, there to remain for any Time not exceeding Two Calendar Months, unless such Penalties and Costs shall be sooner paid.

who shall be entitled to recover from the Drivers.

XXVIII. Provided always, and be it enacted, That every such Proprietor who shall pay any Penalty or Costs incurred by reason of any such Offence as aforesaid committed by such Driver shall be entitled to recover the same from such Driver in a summary Manner; and upon Complaint made in the Premises before any Justice of the Peace by the said Proprietor against the said Driver, such Justice shall inquire into the same, and shall cause the Sum which shall appear to have been so paid as aforesaid by the said Proprietor to be levied by Distress and Sale of the Goods of the said Driver; and for Want of sufficient Distress, such Justice shall commit the said Driver to the Common Gaol or House of Correction, there to remain for any Time not exceeding Two Calendar Months, unless the said Sum shall be sooner paid; and every such Imprisonment shall be with or without hard Labour, as such Justice shall direct: Provided always, that if the said Driver shall have been previously convicted of the Offence for which the said Penalty or Costs shall be so as aforesaid paid by the said Proprietor, then such Proceedings shall be had and taken against the said Driver upon such Conviction for Recovery of the Penalty and Costs in which he shall have been convicted as might have been had and taken thereon in case the said Penalty or Costs had not been paid by the said Proprietor, and upon Recovery thereof the Sum so paid by such Proprietor shall be repaid to him.

Justices to determine Disputes between Proprietors and their Drivers.

XXIX. And be it enacted, That in case of any Dispute between the Proprietor of any Hackney Carriage and the Driver thereof, then upon Complaint made before any Justice of the Peace by such Proprietor against such Driver, or by such Driver against such Proprietor, such Justice shall inquire into and determine the same, and shall award and order such Compensation to be made to either Party as to such Justice shall seem proper; and in case of the Non-payment of such Compensation, such Justice shall cause the same to be levied by Distress and Sale of the Goods of the Party refusing or neglecting to make Payment thereof; and for Want of sufficient Distress such Justice shall commit the said Party to the Common Gaol or House of Correction, there to remain for any Time not exceeding Two Calendar Months, unless the same shall be sooner paid.

Watermen to be licensed.

XXX. And be it enacted, That it shall be lawful for any Two of the Commissioners of Stamps to grant Licences under their Hands to

to such Persons as they shall think fit and proper to act as Watermen or Assistants to the Drivers of Hackney Carriages at the Standings or Places of Resort where Hackney Carriages usually stand or ply for Hire, which said Licences shall be granted in such Form as the said Commissioners shall think fit; and every such Licence shall be dated on the Day on which the same shall be granted, and shall specify the true Christian Name and Surname and Place of Abode of the Person to whom the same shall be granted, and shall specify the Standing or Place of Resort at which he shall be thereby authorized to act as such Waterman or Assistant as aforesaid; and as often as such Waterman or Assistant as aforesaid shall change his Place of Abode, Notice in Writing of such Change, signed by such Waterman or Assistant, shall forthwith be given to the proper Officer at the Head Office for Stamps in *Westminster*, and the Licence of such Waterman or Assistant shall at the same Time be produced to such Officer, who shall indorse thereon and sign a Memorandum of such Notice, or in default thereof such Licence shall be void; and if any Person shall act as such Waterman or Assistant as aforesaid at any such Standing or Place of Resort as aforesaid without first having duly obtained and having in force a Licence from the Commissioners of Stamps authorizing him in that Behalf, he shall forfeit Forty Shillings.

Penalty on acting as a Waterman without a Licence, 40*s*.

Badges to be worn by Watermen.

XXXI. And be it enacted, That the Commissioners of Stamps, at the Time of granting to any Person a Licence to act as a Waterman or Assistant to Drivers of Hackney Carriages, shall deliver to such Waterman a Badge to denote his Office and Employment, having thereon a Number by which such Waterman may be identified, and which Badge shall be worn by such Waterman, during all the Time of his Employment, conspicuously upon his Breast, in such Manner that the Number thereon shall be at all Times plainly and distinctly visible and legible; and if any Person shall act as such Waterman without having and wearing such Badge in manner aforesaid, or if any such Waterman shall refuse to permit any Person to inspect and note the Number on such Badge, or if any such Waterman shall lend such Badge to or permit the same to be worn by any other Person, such Waterman shall forfeit Forty Shillings, and on Conviction of any such Offence it shall be lawful for the Commissioners of Stamps, if they think fit, to revoke the Licence of such Waterman.

Penatly 40*s*.

Particulars of Licences to be entered in Books at the Stamp Office, and such Entries to be Evidence.

XXXII. And be it enacted, That the Particulars of every Licence which shall be granted under any of the Provisions of this Act, and of all Alterations made therein, and of all Indorsements thereupon, shall be entered, in such Manner and Form as the Commissioners of Stamps shall direct, in One or more Book or Books to be provided and kept for that Purpose at the said Head Office for Stamps; and in all Courts, and before any Justice of the Peace, and upon all Occasions whatsoever, the Entries made or contained in any such Book or Books shall be received as Evidence, and be deemed to be sufficient Proof of all Matters and Things therein registered or contained relating to any such Licence as aforesaid, without requiring the Production of the original Licence, or of any Requisition, Notice, or other Document upon which any such Entries may

may be founded, and without any further Proof than the Production of such Book or Books; and any Person shall be at liberty to inspect any such Book or Books without Payment of any Fee or Reward.

Procuring any Licence in a fictitious Name, a Misdemeanor.

XXXIII. And be it enacted, That if any Person applying for or procuring or attempting to procure any Licence under any of the Provisions of this Act shall use or employ any false or fictitious Name or Place of Abode, or other false or fictitious Description of any Person or supposed Person, or shall wilfully or knowingly insert or cause to be inserted in any Requisition for any such Licence, or in any such Licence, any false or fictitious Name or Place of Abode, or other false or fictitious Description of any Person or supposed Person, or shall wilfully or knowingly insert or cause to be inserted in any such Requisition or in any such Licence as aforesaid the Name of any Person as being a Proprietor or Part Proprietor of any Hackney Carriage who shall not at the Time of the Application for such Licence be in fact a Proprietor or Part Proprietor of such Hackney Carriage, the Person so offending shall be guilty of a Misdemeanor, and, being convicted thereof, he shall be liable to be punished by Fine or Imprisonment, or by both, as the Court shall award, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit.

What Distance Drivers of Hackney Carriages shall be compellable to drive.

XXXIV. And be it enacted, That the Driver of every Hackney Carriage which shall be let for Hire at any Place within the Distance of Five Miles from the General Post Office in the City of *London* shall be obliged and compellable, if required by any Person hiring such Hackney Carriage, (unless such Driver shall have a reasonable Excuse to be allowed by the Justice before whom any such Matter shall be brought in question,) to drive such Hackney Carriage to any Place to which he shall be so required to drive the same within the Distance of Five Miles from the said General Post Office, or to any Place to which he shall be so required to drive the same within the Distance of Five Miles from the Place where the same shall have been let to Hire; and in case such Driver shall refuse to drive such Hackney Carriage to any such Place as aforesaid, he shall forfeit Forty Shillings. Penalty 40*s*.

Hackney Carriages standing in any Street to be deemed to be plying for Hire, and the Driver thereof refusing to go with any Person liable to a Penalty of 40*s*.

XXXV. And be it enacted, That every Hackney Carriage which shall be found standing in any Street or Place, and having thereon any of the numbered Plates required by this Act to be fixed on Hackney Carriages, shall, unless actually hired, be deemed to be plying for Hire, although such Hackney Carriage shall not be on any Standing or Place usually appropriated for the Purpose of Hackney Carriages standing or plying for Hire; and the Driver of every such Hackney Carriage which shall not be actually hired shall be obliged and compellable to go with any Person desirous of hiring such Hackney Carriage; and upon the hearing of any Complaint against the Driver of any such Hackney Carriage for any such Refusal, such Driver shall be obliged to adduce Evidence of having been and of being actually hired at the Time of such Refusal, and in case such Driver shall fail to produce sufficient Evidence of having been

been and of being so hired as aforesaid, he shall forfeit Forty Shillings.

Compensation to be made to Drivers improperly summoned for refusing to carry any Person.

XXXVI. Provided always, and be it enacted, That if the Driver of any Hackney Carriage shall in civil and explicit Terms declare to any Person desirous to hire such Hackney Carriage that it is actually hired, and shall afterwards, notwithstanding such Reply, be summoned to answer for his Refusal to carry such Person in his said Hackney Carriage, and shall upon the hearing of the Complaint produce sufficient Evidence to prove that such Hackney Carriage was at the Time actually and *bonâ fide* hired, and it shall not appear that he used uncivil Language, or that he improperly conducted himself towards the Party by whom he shall be so summoned, the Justice before whom such Complaint shall be heard shall order the Person who shall have summoned such Driver to make to him such Compensation for his Loss of Time in attending to make his Defence to such Complaint as such Justice shall deem reasonable, and in default of Payment thereof to commit such Person to Prison for any Time not exceeding One Calendar Month, unless the same shall be sooner paid.

Drivers may ply and shall be compellable to drive on Sundays.

XXXVII. And be it enacted, That it shall be lawful for the Proprietor or Driver of any Hackney Carriage which shall be licensed under the Authority of this Act to stand and ply for Hire with such Carriage and to drive the same on the Lord's Day, any former Act or Acts to the contrary notwithstanding; and that such Proprietor or Driver who shall so stand or ply for Hire as aforesaid shall be liable and compellable to do the like Work on the Lord's Day as such Proprietor or Driver is by this Act liable or compellable to do on any other Day of the Week.

Rates and Fares to be taken for Hackney Carriages.

XXXVIII. And be it enacted, That the Proprietor or Driver of any Hackney Carriage licensed under the Provisions of this Act shall be entitled to demand and take for the Hire of such Hackney Carriage the Rates and Fares mentioned and set forth in Figures or otherwise described in either of the Two Schedules or Tables marked respectively (B.) and (C.) to this Act annexed, calculated for Time or Distance, at the Option of such Proprietor or Driver; and that the Rates and Fares of all such Hackney Carriages shall be calculated by the Hour or Mile only, and not by the Day.

Back Fare payable by Night.

XXXIX. And be it enacted, That in case any Hackney Carriage, after having been hired at any Place, whether within or beyond the Limits of the Metropolis as defined by this Act, shall be discharged at any Place beyond the said Limits after the Hour of Eight in the Evening and before Five in the Morning, it shall be lawful for the Proprietor or Driver of such Hackney Carriage to demand and receive, over and above the proper Fare in respect of the Distance or Time for which the same shall have been hired or used, the full Rate or Fare from the Place of such Discharge to the nearest Point of the said Limits, or to any Standing of Hackney Carriages where such Hackney Carriage shall have been hired beyond such Limits, at the Option of the Person discharging the same; and in case any Hackney

By Day.

Carriage shall be hired and driven into the Country, and there discharged at a Distance of Four Miles or more beyond the said Limits of the Metropolis, in the Day-time, and not after the Hour of Eight in the Evening nor before Five in the Morning, it shall be lawful for the Driver of such Hackney Carriage to demand and receive for the Return thereof from the Place of such Discharge to the nearest Point of the said Limits, or to any Standing for Hackney Carriages beyond any such Limits where such Hackney Carriage shall have been hired, at the Option of the Person discharging such Hackney Carriage, for each and every Mile the additional Rate or Fare of Sixpence: Provided always, that no such additional Rate or Fare in the Day-time shall be payable for any less Distance than Four Miles.

Limits of the Metropolis defined.

XL. And whereas Letters arriving in *London* by the General Post are now delivered without additional Postage at any Place comprised within a Circle, the Radius of which is of the Length of Three Miles measured from the General Post Office; be it enacted, That the Circumference of the said Circle shall for the Purposes of this Act be deemed and called the Limits of the Metropolis.

Persons refusing to pay the Driver his Fare, or for any Damage, may be committed to Prison.

XLI. And be it enacted, That if any Person shall refuse or omit to pay the Driver of any Hackney Carriage the Sum justly due to him for the Hire of such Hackney Carriage, or if any Person shall deface or in any Manner injure any such Hackney Carriage, it shall be lawful for any Justice of the Peace, upon Complaint thereof made to him, to grant a Summons, or if it shall appear to him necessary a Warrant, for bringing before him or any other Justice such Defaulter or Defender, and, upon Proof of the Facts made upon Oath before any such Justice, to award reasonable Satisfaction to the Party so complaining for his Fare or for his Damages and Costs, and also a reasonable Compensation for his Loss of Time in attending to make and establish such Complaint; and upon the Refusal of such Defaulter or Offender to pay or make such Satisfaction, it shall be lawful for such Justice to commit him to Prison, there to remain for any Time not exceeding One Calendar Month, unless the Amount of such Satisfaction shall be sooner paid; and it shall also be lawful for such Justice, if he shall think fit, to order such Defaulter or Offender to be kept to hard Labour during such Imprisonment.

Penalty on Drivers refusing to go or exacting more than the legal Fare.

XLII. And be it enacted, That if the Driver of any Hackney Carriage shall refuse to go with any Person desirous of hiring his Carriage for the legal and proper Fare allowed by this Act, or if such Driver shall refuse to drive such Hackney Carriage with all reasonable and proper Expedition, or if the Proprietor or Driver of any Hackney Carriage shall exact or demand for the Hire thereof more than the proper Sum limited and allowed for the same by this Act, every such Proprietor or Driver so offending shall forfeit Forty Shillings.

Agreement to pay more than the legal Fare not to be binding.

XLIII. And be it enacted, That no Agreement whatever made with the Driver of any Hackney Carriage for the Payment of more than his proper Fare, as the same is allowed and limited by this Act, shall

shall be binding on the Person making the same, but that any such Person may, notwithstanding any such Agreement, refuse, on discharging such Hackney Carriage, the Payment of any Sum beyond the proper Fare as allowed and limited as aforesaid; and in case any Person shall actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or not, any Sum exceeding his said proper Fare, which shall have been demanded or required by such Driver, the Person paying the same shall be entitled, on Complaint made against such Driver before any Justice of the Peace, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall forfeit, as a Penalty for such Exaction, the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, such Justice shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Calendar Month, unless the said Excess of Fare and the said Penalty shall be sooner paid.

Sum paid beyond the proper Fare may be recovered back.

Penalty 40*s*.

Driver not to charge more than the Sum agreed for, although the Distance be exceeded.

XLIV. And be it enacted, That it shall be lawful for any Person to require the Driver of any Hackney Carriage to drive such Hackney Carriage, for a stated Sum of Money, a Distance in the Discretion of such Driver, and in case such Driver shall exceed the Distance to which such Person was entitled to be driven for such stated Sum of Money, such Driver shall not exact or demand more than the Sum for which he was so engaged to drive, upon pain to forfeit Forty Shillings for such Offence.

Penalty 40*s*.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare, 40*s*.

XLV. And be it enacted, That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf and with his Knowledge and Consent, shall agree beforehand with any Person hiring such Hackney Carriage to take for any Job any Sum less than the proper Rate of Fare allowed by this Act, such Proprietor or Driver shall not exact or demand for his Fare more than the Sum agreed for, upon pain to forfeit Forty Shillings for such Offence.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

XLVI. And, in order to prevent Disputes as to the Number of Persons which the Hirer of any Hackney Carriage shall be entitled to require the Driver of such Hackney Carriage to convey thereby, be it enacted, That no Hackney Carriage shall be used or employed or let to Hire, or shall stand or ply for Hire, unless nor until there shall be painted on a Plate placed on some conspicuous Place on the Outside of such Hackney Carriage, in legible and conspicuous Letters of Black or White (whichever shall most differ from the Colour of the Ground whereon the same shall be painted), One Inch in Length, and of a proper and proportionate Breadth, the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "To carry Persons;" and the Driver of every such Hackney Carriage shall accordingly be compellable, if required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons so painted thereon, or any less Number, at the Option of the Hirer; and if any Person shall use, employ, or let to Hire any Hackney Carriage, or shall stand or ply for Hire therewith, upon which the Number of Persons to be carried thereby

Penalty for Neglect, or for Refusal to carry the Number, 40*s*.

thereby shall not be painted on such Plate in such legible and conspicuous Letters and in the Manner aforesaid, or if the Driver of any such Hackney Carriage shall refuse, if required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number which he may be required by such Hirer to carry thereby, every such Person so offending shall forfeit Forty Shillings.

Deposit to be made for Carriages waiting.

XLVII. And be it enacted, That where any Hackney Carriage shall be hired and taken to any Pace of public Resort, or elsewhere, and the Driver thereof shall be required there to wait with such Hackney Carriage, it shall be lawful for such Driver to demand and receive from the Person so hiring and requiring him to wait as aforesaid a reasonable Sum as a Deposit, over and above the Fare to which such Driver shall be entitled for driving thither, which Sum so demanded and received shall be accounted for by such Driver when such Hackney Carriage shall be finally discharged; and if any such Driver who shall have received any such Deposit as aforesaid shall refuse to wait with such Hackney Carriage at the Place where he shall be so required to wait, or if such Driver shall go away or shall permit such Hackney Carriage to be driven or taken away, without the Consent of the Person making such Deposit, before the Expiration of the Time for which the Sum so deposited shall be a sufficient Compensation according to the Rates and Fares contained in the Schedule (C.) to this Act annexed, or if such Driver on the final Discharge of such Hackney Carriage shall refuse duly to account for such Deposit, every such Driver so offending shall forfeit Forty Shillings.

Penalty on the Driver refusing to wait, or to account for the Deposit, 40*s*.

Proprietors to provide Check Strings; Drivers to hold same in their Hands.

XLVIII. And be it enacted, That the Proprietor of every Hackney Carriage shall provide and place in such Hackney Carriage a proper Check String or Wire, and shall renew the same from Time to Time so often as Occasion shall require; and the Driver of every such Hackney Carriage shall, during the Time of his driving any Person in such Hackney Carriage, hold such Check String or Wire in his Hand, so that the same may be used for the Accommodation of such Person; and if the Proprietor of any such Hackney Carriage shall neglect to provide and place in such Hackney Carriage such Check String or Wire as aforesaid, or shall neglect to renew the same when and so often as shall be requisite, or if the Driver of any such Hackney Carriage shall neglect or refuse to hold such Check String or Wire in his Hand during the Time aforesaid, every such Proprietor and every such Driver so offending respectively shall forfeit Twenty Shillings.

Penalty 20*s*.

Property left in Hackney Carriages to be deposited at the Stamp Office.

XLIX. And be it enacted, That the Driver of every Hackney Carriage wherein any Property whatever shall be left by any Person hiring the same shall, within Four Days next after the same shall have been so left, carry such Property, in the State in which he shall find the same, to the Head Office for Stamps in the City of *Westminster*, and shall there deposit and leave the same with the proper Officer to be appointed by the Commissioners of Stamps for that Purpose, upon pain that every such Driver making any Default herein

Penalty 20*l*.

herein shall forfeit Twenty Pounds; and the said Officer with whom any such Property shall be deposited shall forthwith enter in a Book to be kept at the said Office for that Purpose the Description of such Property, and the Name and Address of the Driver who shall bring the same, and the Day on which it shall be brought; and the Property so entered shall be returned to the Person who shall prove, to the Satisfaction of the said Commissioners, that the same belonged to him, such Person previously paying all Expences incurred, together with such reasonable Sum to the Driver who brought the same as with Reference to the Value of the Property in question the said Commissioners shall award: Provided always, that if such Property shall not be claimed by and proved to belong to some Person within One Year after the same shall have been deposited, (the same having been advertized in such Manner as the said Commissioners may direct,) such Property shall be delivered up to the Driver who brought and deposited the same, provided he shall apply for the same within One Calendar Month next after the Expiration of the said One Year; and in default of such Application by the said Driver within the Time limited as aforesaid, the said Commissioners shall cause such Property to be sold or otherwise disposed of, and the Proceeds thereof to be paid over to the Receiver General of Stamp Duties, to be carried to the Public Account.

Property not claimed within a Year to be delivered up to the Driver, if applied for;

if not, to be sold.

Penalty for permitting Persons to ride without Consent of the Hirer, 20*s*.

L. And be it enacted, That if the Proprietor or Driver of any Hackney Carriage which shall be hired shall permit or suffer any Person to ride or be carried in, upon, or about such Hackney Carriage, without the express Consent of the Person hiring the same, such Proprietor or Driver shall forfeit Twenty Shillings.

Improperly standing with Carriage, or feeding Horses in the Street;

refusing to give way to, or obstructing any other Driver;

or depriving him of his Fare;

Penalty 20*s*.

LI. And be it enacted, That if any Proprietor or Driver of any Hackney Carriage shall stand or ply for Hire with such Hackney Carriage, or suffer the same to stand, across any Street or common Passage or Alley, or alongside of any other Hackney Carriage, or Two in a Breadth, or within Eight Feet of the Curbstone of the Pavement in any such Street or common Passage or Alley; or if any such Proprietor or Driver, or any Waterman or other Person, shall feed the Horses of or belonging to any Hackney Carriage in any Street, Road, or common Passage, save only with Corn out of a Bag, or with Hay which he shall hold or deliver with his Hands; or if the Driver of any Hackney Carriage shall refuse to give way if he conveniently can to any private Coach or other Carriage, or shall obstruct or hinder the Driver of any other Hackney Carriage in taking up or setting down any Person into or from such other Hackney Carriage; or if any such Proprietor or Driver shall wrongfully, in a forcible or clandestine Manner, take away the Fare from any other such Proprietor or Driver, who, in the Judgment of any Justice of the Peace before whom any Complaint of such Offence shall be heard, shall appear to be fairly entitled to such Fare; every such Proprietor, Driver, Waterman, or other Person so offending shall forfeit Twenty Shillings.

Carriages may stand Two in

LII. Provided always, and be it enacted, That it shall be lawful for the Proprietors or Drivers of Hackney Carriages to stand with

such Hackney Carriages Two in Breadth in *Palace Yard, Westminster*, without being liable to the Penalty by this Act imposed for standing Two in a Breadth or alongside of each other. Breadth in Palace Yard.

LIII. And be it enacted, That after every Four Carriages which shall be upon any Standing for Hackney Carriages in any public Street or Road, there shall be left a clear Space of Ten Feet; and if the Proprietor or Driver of any Hackney Carriage which shall be the next after the Fourth, Eighth, or Twelfth Hackney Carriage upon such Standing, or next after any other Hackney Carriage after which such clear Space as aforesaid ought to be left in pursuance of the Direction of this Act, shall suffer his Hackney Carriage, or the Horse or Horses attached thereto, to stand or be within the Distance of Ten Feet from the said Fourth, Eighth, Twelfth, or other Hackney Carriage after which such clear Space as aforesaid ought to be left, or within the Distance of Ten Feet from the Horse or Horses attached to the said Fourth, Eighth, Twelfth, or other such Hackney Carriage as aforesaid, such Proprietor or Driver so offending shall forfeit Twenty Shillings. A clear Space of Ten Feet to be left after every Four Hackney Carriages on any Standing. Penalty 20*s*.

LIV. And be it further enacted, That it shall be lawful for the Court of Mayor and Aldermen of the City of *London* from Time to Time to appoint proper Places in the said City of *London* and Liberties thereof, and in the Borough of *Southwark*, where Hackney Carriages may stand and ply for Hire, and to make such Orders for regulating the Number of such Hackney Carriages to stand in such Places respectively, and the Distances at which they shall stand from each other, and the Times at and during which they may stand and ply for Hire, and such other Orders and Regulations for the better ordering and regulating the said Hackney Carriages, and the Drivers or other the Person or Persons having the Management thereof respectively, as to the said Court of Mayor and Aldermen shall seem proper, and from Time to Time to alter, amend, or repeal such Rules, Orders, and Regulations, and to make others in the Room thereof; and the said Court of Mayor and Aldermen shall cause all the Rules, Orders, and Regulations to be made by them as aforesaid, and every Alteration, Amendment, or Repeal thereof respectively, to be advertized in the *London Gazette*, and in Two or more Newspapers circulated in the said City of *London*, and a Copy thereof to be hung up for public Inspection in the Town Clerk's Office at the Guildhall of the said City, before the same or any of them shall be carried into effect, or be considered as repealed by the said Court of Mayor and Aldermen; and in case the Driver or any Person or Persons having the Management of any Hackney Carriage shall permit the same to stand for Hire in the said City of *London* or Borough of *Southwark* in any Place which shall not be appointed as aforesaid by the said Court of Mayor and Aldermen, or at or for any other or any longer Time than shall be appointed as aforesaid, or shall in any other Manner offend against the Rules, Orders, and Regulations to be made by the said Court of Mayor and Aldermen by virtue of this Act, or any of them, the Person who shall so place the same, or, if such Person shall not be known, the Owner of such Hackney Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five The Court of Aldermen authorized to make Orders for regulating Hackney Carriages in the City of London and in the Borough of Southwark. Penalty on Persons offending against such Orders, 5*l*.

Five Pounds; and every such Penalty and Forfeiture for any Offence committed within the said City of *London* or Borough of *Southwark*, after deducting such Part thereof (if any) as shall be adjudged to be paid for the Use of any Informer or Informers, shall be paid to the Chamberlain of the City of *London* for the Time being, to the Account of the Commissioners of Sewers of the said City of *London* and Liberties thereof for the Time being, to be applied for the general Purposes of the Acts of Parliament which the said Commissioners are and shall be appointed to carry into execution: Provided always, that no such Rules, Orders, or Regulations as aforesaid, nor any Alteration or Amendment thereof, shall be in any respect repugnant to or inconsistent with the Laws of the Realm, nor to or with any of the Provisions of this Act.

Penalty for leaving Carriages unattended at Places of public Resort, 20*s*.

LV. And be it enacted, That if the Driver of any Hackney Carriage shall leave such Hackney Carriage unattended in any Street or Road, or at any Place of public Resort or Entertainment, whether such Carriage shall be hired or not, it shall be lawful for any Officer of Police, Constable, or other Peace Officer, Watchman, or Patrole, to drive away such Hackney Carriage, and to deposit the same, with the Horse or Horses belonging or harnessed thereto, at some neighbouring Livery Stables or other Place of safe Custody; and such Driver shall forfeit Twenty Shillings for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expences of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Justice before whom such Conviction shall be made, and after deducting from the Produce of such Sale the Amount of the said Penalty and of all Costs and Expences as well of the Proceedings before such Justice as of the taking, keeping, and Sale of the said Hackney Carriage, and of the said Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Proprietors, Drivers, or Watermen misbehaving.

LVI. And be it enacted, That if the Proprietor or Driver of any Hackney Carriage, or any other Person having the Care thereof, shall by Intoxication, or by wanton and furious Driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, or if any such Proprietor or Driver, or if any Waterman or Assistant to the Drivers of Hackney Carriages, shall make use of any abusive or insulting Language, or be guilty of other rude Behaviour, to or towards any Person whatever, or shall assault or obstruct any Officer of Stamp Duties, or any Officer of Police, Constable, or other Peace Officer, Watchman, or Patrole, in the Execution of his Duty, every such Proprietor, Driver, Waterman, or Assistant, or other Person so offending in any of the several Cases aforesaid, shall forfeit Five Pounds, and in default of Payment thereof he shall be committed to the Common Gaol or House of Correction for any Time not exceeding Two Calendar Months; and after the Conviction of any such Proprietor or Waterman or Assistant, for any such Offence as aforesaid, it shall be lawful for the Commissioners of Stamps, if they shall think fit, to revoke the Licence

Penalty 5*l*.

Licence may be revoked.

of

of any such Proprietor or Waterman or Assistant, and to refuse to grant him any further Licence in future.

Justices empowered to award Compensation to Drivers or Watermen for their Loss of Time in attending to answer Complaints which shall not be substantiated against them.

LVII. And be it enacted, That if any Driver of a Hackney Carriage, or any Waterman or Assistant to the Drivers of Hackney Carriages shall be summoned or brought before any Justice of the Peace to answer any Complaint or Information touching or concerning any Offence committed or alleged to have been committed by such Driver or Waterman respectively against the Provisions of this Act, and such Complaint or Information shall afterwards be withdrawn or quashed or dismissed, or if the Defendant shall be acquitted of the Offence charged against him, it shall be lawful for the said Justice, if he shall think fit, to order and award that the Complainant or Informant shall pay to the said Driver or Waterman such Compensation for his Loss of Time in attending the said Justice touching or concerning such Complaint or Information as to the said Justice shall seem reasonable; and in default of Payment of such Compensation, it shall be lawful for the said Justice to commit such Complainant or Informant to Prison for any Time not exceeding One Calendar Month, unless the same shall be sooner paid.

Commissioners to give Notice of the Revocation of Licences.

LVIII. And be it enacted, That whenever the Commissioners of Stamps shall revoke any Licence granted under the Authority of this Act to the Proprietor of any Hackney Carriage, or to any Waterman or Assistant to the Drivers of Hackney Carriages, they shall forthwith cause a Notice of such Revocation, in such Form as they shall think fit, and signed by any Two of them, to be given to the Person named in such Licence as the Person licensed, or left for him at the Place mentioned in such Licence as the Place of his Abode; and in case he shall have quitted such Place, or the same shall be a false or fictitious Place of Abode, then the said Commissioners shall cause such Notice to be posted up in some public Place at the said Head Office for Stamps in *Westminster*, which shall be deemed a good and sufficient Notice of such Revocation to all Intents and Purposes.

Names and Places of Abode of Owners of Waggons, Carts, &c. to be painted thereon.

LIX. And for preventing the Misbehaviour of the Drivers of Waggons, Wains, Carts, Cars, Drays, and other such Carriages used in the Metropolis and the Suburbs thereof, and for the better Discovery of Offenders, be it enacted, That the Owner of every Waggon, Wain, Cart, Car, Dray, or other such Carriage which shall be driven or used in any public Street or Road within the Distance of Five Miles from the General Post Office in the City of *London*, shall before such Waggon, Wain, Cart, Car, Dray, or other such Carriage shall be so driven or used as aforesaid, paint or cause to be painted in Words at full Length, and in One or more straight Line or Lines, upon some conspicuous Place on the right or off Side of such Waggon, Wain, Cart, Car, Dray, or other such Carriage, clear of the Wheel or Wheels thereof, or upon the right or off Side Shaft thereof, the true Christian Name and Surname and Place of Abode of the Owner or (if there be more than One) of the principal Owner of such Waggon, Wain, Cart, Car, Dray, or other such Carriage, and the Letters of all such Words shall be painted in legible and conspicuous Characters of Black upon a White Ground or of White upon a Black Ground,

and shall be at least One Inch in Height, and of a proper and proportionate Breadth; and all such Words shall be repainted or renewed in like Manner from Time to Time as often as the same or any Part thereof shall become obliterated or defaced.

Penalty for using Waggons, &c. upon which the Names and Places of Abode are not painted, 5*l.*

LX. And be it enacted, That if any Person shall drive or use, or cause to be driven or used, in or upon any public Street or Road within the Distance of Five Miles from the said General Post Office, any Waggon, Wain, Cart, Car, Dray, or other such Carriage upon which there shall not be duly painted in such legible and conspicuous Characters as aforesaid, and in the Manner directed by this Act, the true Christian Name and Surname and Place of Abode of the Owner or (if there be more than One) of the principal Owner of such Waggon, Wain, Cart, Car, Dray, or other such Carriage, every Person so offending shall forfeit Five Pounds; and it shall be lawful for any Person to take and seize such Waggon, Wain, Cart, Car, Dray, or other such Carriage, and any Horse drawing the same, and to lodge the same for safe Custody at some public Green Yard, or some Livery Stables or other Place of Safety, and them to detain and keep until some One of His Majesty's Justices of the Peace shall hear and determine such Offence, and until the Penalty which such Offender shall be liable and adjudged to pay for such Offence, together with the Costs of the Proceedings for the Recovery thereof, and the Expences of taking and keeping such Waggon, Wain, Cart, Car, Dray, or other Carriage, and any Horse drawing the same, shall be fully paid and discharged; and if, on the Conviction of any such Offender, the said Penalty, Costs, and Expences shall not be forthwith paid, such Waggon, Wain, Cart, Car, Dray, or other such Carriage, and the Horse, so seized and taken as aforesaid, or either of them, shall be sold under an Order for that Purpose, under the Hand of such Justice, directed to the Constable or other Peace Officer of the Parish or Place where any such Offence shall be committed; and the Surplus (if any) of the Money arising from such Sale, after deducting thereout the Amount of such Penalty, Costs, and Expences as aforesaid, together also with the Costs and Expences of such Sale, shall be rendered to the Owner of the Waggon, Wain, Cart, Car, Dray, or other Carriage or Horse which shall have been so seized and sold as aforesaid.

Duties and Penalties how recoverable.

LXI. And be it enacted, That all the Duties granted by this Act, and all Fines, Penalties, and Forfeitures imposed by or which may be incurred under any of the Provisions of this Act, relating in any Manner to the Licences required to be obtained for Hackney Carriages, or to the Stamp Office Plate to be fixed thereon, shall and may be sued for and recovered by all such Ways and Means, summary or otherwise, and in such Manner and Form, as are and is or at any Time hereafter shall be provided by Law for the Recovery of any Duties, Penalties, or Forfeitures granted or imposed by any Act relating to Stamp Duties, as well as by the particular Ways and Means provided and directed by this Act.

Before whom Offences shall be heard and determined.

LXII. And be it enacted, That it shall be lawful for His Majesty's Principal Secretary of State for the Home Department, by such Orders and under such Regulations as he shall from Time to Time

think fit to make in that Behalf, to direct any One of His Majesty's Justices of the Peace appointed or to be appointed under any Act or Acts for regulating the Office of a Justice of Peace in the Metropolis, to attend daily from the Hour of Eleven in the Forenoon until the Hour of Three in the Afternoon, at such one of the public Police Offices of the Metropolis, or at such other Office or Place as the said Principal Secretary of State shall appoint in that Behalf, not being within the City of *London*, for the Purpose of hearing and determining Offences against the Provisions of this Act; and that it shall be lawful for any Justice of the Peace who for the Time being shall be in attendance at such public Police Office, or other Office or Place to be appointed for that Purpose as aforesaid, to hear and determine all such Offences as aforesaid in a summary Manner, wheresoever the same may have been committed: Provided always, that it shall also be lawful for any other of His Majesty's Justices of the Peace, having Jurisdiction where any such Offence as aforesaid shall be committed, in like Manner to hear and determine the same at any Place within his Jurisdiction.

Mode of proceeding for Penalties before a Justice of the Peace.

LXIII. And be it enacted, That it shall be lawful for any such Justice as aforesaid, in all Cases in which no other Mode of Proceeding is specially provided or directed by this Act, upon Information or Complaint made by any Person of any Offence against the Provisions of this Act within Thirty Days next after the Commission of any such Offence, to summon the Party accused, and also the Witnesses on either Side, to appear before the said Justice, or before any other Justice of the Peace, at a Time and Place to be appointed for that Purpose; and either on the Appearance of the Party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice present at the Time and Place appointed for such Appearance, to proceed to examine into the Matter of Fact, and upon due Proof made thereof, by voluntary Confession of the Party, or by Oath of One or more credible Witness or Witnesses, to give Judgment for the Penalty or Forfeiture, and on Nonpayment thereof, together with the Costs of such Proceedings, to commit the Offender to Prison, where such Commitment is specially directed by this Act; and in any Case where such Commitment is not so specially directed, such Justice is hereby required to award and issue out of his Warrant for the levying of any Penalty or Forfeiture so adjudged, together with the said Costs and Expences, and also the Costs and Expences of such Warrant, and of levying the same on the Goods of the Offender, and to cause Sale to be made of such Goods in case they shall not be redeemed within Five Days, rendering to the Party the Overplus (if any); and where Goods of such Offender cannot be found sufficient to answer the Penalty, and all such Costs and Expences, to commit such Offender to Prison, there to remain for any Time not exceeding Two Calendar Months, unless such Penalty and all such Costs and Expences shall be sooner paid; and every such Imprisonment shall be with or without hard Labour, as such Justice shall direct; and all Proceedings whatsoever before any Justice of the Peace under any of the Provisions of this Act, and the Judgment of the said Justice thereon, shall be final and conclusive between the Parties, and shall not be quashed or vacated for Want of Form, and shall not be removed by Certiorari, or any other Writ or Process, into any

any superior Court, any Law, Statute, or Usage to the contrary notwithstanding.

In what Manner Goods distrained under this Act shall be sold.

LXIV. And be it enacted, That in all Cases where any Goods or Chattels distrained or otherwise seized or taken under any of the Provisions of this Act are directed to be sold, the same shall be sold by public Auction, and Notice of the Time and Place of such Sale shall be given to the Owner of such Goods or Chattels, or left at his last known Place of Abode Three Days at the least prior to such Sale: Provided always, that if the Owner of any such Goods or Chattels shall give his Consent in Writing to the Sale thereof at an earlier Period than is by this Act or shall be by any such Notice appointed for such Sale, or in any other Manner than is by this Act directed, it shall be lawful to sell such Goods and Chattels according to such Consent: Provided also, that if the Owner of such Goods or Chattels shall at any Time before the Sale thereof pay or tender to the Person who by any Warrant or other Process shall be directed or authorized to cause such Goods or Chattels to be sold the Sum which he shall by such Warrant or Process be directed to levy or raise by the Sale of such Goods or Chattels, together with all reasonable Costs and Expences incurred, no Sale of such Goods or Chattels shall be made.

Summonses, Convictions, and Warrants to be drawn up according to the Forms in the Schedule (D.)

LXV. And be it enacted, That every Summons, Conviction, Warrant of Distress, or Commitment which shall be respectively made or issued in any Proceedings for the Recovery of any Duty or Penalty under the Provisions of this Act, may be drawn or made out according to the several Forms contained in the Schedule (D.) hereunto annexed, or to the Effect thereof, *mutatis mutandis*, as the Case shall require; and every such Summons, Warrant, and Conviction respectively which shall be so drawn or made out shall be good and effectual, without stating the Case of the Facts or Evidence in any more particular Manner than is required by such Forms respectively.

Justices may issue Warrants or Summonses against Proprietors, Drivers, and Watermen.

LXVI. Provided always, and be it enacted, That it shall be lawful for any Justice of the Peace, upon any Complaint being lodged before him against the Proprietor or Driver of any Hackney Carriage, or against any Waterman or Assistant to the Drivers of Hackney Carriages, under the Provisions of this Act, to issue a Warrant for the Apprehension of such Proprietor or Driver or such Waterman or Assistant, or a Summons for his Appearance, to be examined touching the said Complaint or to answer the same, as to such Justice shall seem fit.

Penalty on Witnesses neglecting to attend or refusing to give Evidence, 5*l.*

LXVII. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justice of the Peace touching the Matters alleged in or relating to any Information, Complaint, or other Proceeding depending before such Justice under the Authority of this Act, shall neglect or refuse to appear before such Justice at the Time and Place to be for that Purpose appointed, without a reasonable Excuse to be allowed by such Justice, or if any Person so summoned shall appear, but shall refuse to be examined and

and give Evidence before such Justice touching the Matters aforesaid, every Person so offending shall forfeit Five Pounds.

Service of Justice's Summons.

LXVIII. And be it enacted, That any Summons issued by any Justice of the Peace requiring the Appearance of any Defendant or of any Witness or other Person, with reference to any Information, Complaint, or other Proceeding pending for the Recovery of any Duty or Penalty under this Act, shall be deemed to be well and sufficiently served in case either the Summons or a Copy thereof be served personally on any such Person as aforesaid, or be left at his usual or last Place of Abode, or (in case such Person be a licensed Proprietor of a Hackney Carriage, or a licensed Waterman or Assistant to the Drivers of Hackney Carriages,) at the Place specified in any such Licence as the Place of Abode of such Proprietor or Waterman, as the Case may be; and if the Place so specified cannot be found, or if such Proprietor or Waterman shall not be known thereat, then such Summons shall be deemed to be well and sufficiently served if the same or a Copy thereof be fixed up in some conspicuous Place in the said Head Office for Stamps to be appointed for that Purpose.

Penalty on Constable refusing to serve a Summons or execute a Warrant.

LXIX. And be it enacted, That if any Constable or other Peace Officer shall refuse or neglect to serve or execute any Summons, Warrant, or Order granted or issued by the Commissioners of Stamps or by any Justice of the Peace, pursuant to any of the Provisions of this Act, every such Constable or Peace Officer so offending, and being convicted thereof upon the Information of any Person before any Justice of the Peace, shall forfeit Five Pounds, and in default of Payment thereof shall be committed by such Justice to the House of Correction, there to be kept for the Space of One Calendar Month, unless such Penalty shall be sooner paid.

Justices may mitigate Penalties.

LXX. And be it enacted, That it shall be lawful for any Justice of the Peace before whom any Person shall be convicted of any Offence against any of the Provisions of this Act to mitigate, as he shall think fit, any Penalty by this Act imposed, in Cases where such Justice shall see Cause so to do; provided that all reasonable Costs and Charges expended or incurred in prosecuting for such Offence shall be always allowed over and above the Sum to which such Penalty shall be mitigated; any thing herein contained to the contrary notwithstanding.

Distribution of Penalties.

LXXI. And be it enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act, except such as shall be recovered in the City of *London* or the Borough of *Southwark*, shall respectively be divided and distributed in manner following; (that is to say,) one Moiety thereof to His Majesty, and the other Moiety thereof (with full Costs) to the Person who shall inform and prosecute for the same.

Informants or Complainants not disqualified from being Witnesses.

LXXII. And be it enacted, That upon the Trial or hearing of any Information or Complaint exhibited or made under any of the Provisions of this Act, any Informant or Complainant or other Person shall be deemed and is hereby declared to be a competent Witness, notwithstanding that he may be entitled to any Part of any pecuniary

Penalty or to any pecuniary Compensation or Reward on the Conviction of any Offender upon any such Information or Complaint.

Limitation of Actions.

LXXIII. And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced, by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall signify his Approbation of the Action, and of the Verdict obtained thereupon.

Venue.

Notice of Action.

General Issue.

Tender of Amends.

Construction of the Terms used in this Act.

LXXIV. And in order to avoid the frequent Use of divers Terms and Expressions, and to prevent any Misconstruction of the Terms and Expressions used in this Act; be it enacted, That whenever in this Act with reference to any Person, Animal, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood to include several Persons or Animals as well as One Person or Animal, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Duties granted by 50 G 3 c. 41. on Hawkers and Pedlars, to be paid to Commissioners of Stamps.

LXXV. And whereas it is expedient to transfer the Collection and Management of the Duties on Hawkers and Pedlars in *England* from the Commissioners for licensing and regulating Hackney Coaches to the Commissioners of Stamps; be it therefore enacted, That from and after the Fifth Day of *January* One thousand eight hundred and thirty-two the Rates and Duties granted and made payable, by an Act passed in the Fiftieth Year of the Reign of His

late Majesty King *George* the Third, intituled *An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches*, by every Hawker, Pedlar, Petty Chapman, and every other trading Person and Persons going from Town to Town, or to other Men's Houses, and travelling either on Foot, or with Horse, Horses, or otherwise, in *England*, *Wales*, or the Town of *Berwick-upon-Tweed*, carrying to sell or exposing to Sale any Goods, Wares, or Merchandize, shall be payable and paid to and shall be under the Care and Management of the Commissioners of Stamps for the Time being, and shall be denominated and deemed to be Stamp Duties.

Powers, &c. of 50 G. 3. c. 41. and of any other Act relating to Duties on Hawkers and Pedlars, to be of as full Force as if repeated in this Act.

LXXVI. And be it enacted, That all the Powers, Provisions, Regulations, and Directions contained in the said recited Act, or in any other Act or Acts relating to the said Duties on Hawkers and Pedlars in force immediately before the passing of this Act, shall be executed and enforced by the Commissioners of Stamps, for securing and collecting the said Duties, as fully and effectually as if such Powers, Provisions, Regulations, and Directions had been originally given to the said Commissioners of Stamps, and as if the same were repeated and re-enacted in this Act; and that all the Powers, Provisions, Regulations, and Directions, Forfeitures, Pains, and Penalties contained in and imposed by any Act or Acts in force immediately before the passing of this Act, in relation to any of the Duties under the Management of the Commissioners of Stamps, so far as the same are applicable to the said Duties on Hawkers and Pedlars, shall be of full Force and Effect, and shall be applied and put in execution, for securing and collecting the said last-mentioned Duties, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually as if such Powers, Provisions, Regulations, and Directions, Forfeitures, Pains, and Penalties, were repeated and specially enacted in this Act with reference to the said last-mentioned Duties.

Commencement of the Act.

LXXVII. And be it enacted, That in all Cases where no other Period is specially fixed for the Commencement of any of the Clauses or Provisions of this Act, the same shall commence and take effect on the Fifth Day of *January* in the Year One thousand eight hundred and thirty-two: Provided always, that it shall be lawful for the Commissioners of Stamps or their authorized Officer, at any Time during the Period of One Calendar Month preceding the said Fifth Day of *January*, to grant and issue Licences under any of the Provisions of this Act, to commence and take effect after the said Fifth Day of *January*; and all Licences which shall be so granted and issued shall be dated on the said Fifth Day of *January* One thousand eight hundred and thirty-two, and shall be valid and effectual to all Intents and Purposes, any thing hereinbefore contained to the contrary notwithstanding.

Act may be altered this Session.

LXXVIII. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

Containing the DUTIES imposed by this Act.

	£	s.	d.
For and upon every Licence to keep, use, employ, and let to Hire any Hackney Carriage within the Distance of Five Miles from the General Post Office in the City of London - - - - - - -	5	0	0
And for and in respect of every such Licence as aforesaid, weekly and every Week during the Continuance thereof, the Sum of - - - - - -	0	10	0

SCHEDULE (B.)

Containing the RATES and FARES to be paid for any HACKNEY CARRIAGE hired and taken any Distance; (that is to say,)

	£	s.	d.
For every Hackney Carriage drawn by Two Horses, for any Distance within and not exceeding One Mile -	0	1	0
And for any Distance exceeding One Mile, after the Rate of Sixpence for every Half Mile, and for any fractional Part of Half a Mile over and above any Number of Half Miles completed.			
And for every Hackney Carriage drawn by One Horse only, Two Thirds only of the Rates and Fares above mentioned.			

SCHEDULE (C.)

Containing the RATES and FARES to be paid for any HACKNEY CARRIAGE hired and taken for any Time; (that is to say,)

For every Hackney Carriage drawn by Two Horses:	£	s.	d.
For any Time within and {not exceeding} Thirty Minutes	0	1	0
Above Thirty Minutes - - - Forty-five Minutes	0	1	6
Forty-five Minutes - - - One Hour -	0	2	0
And for any further Time exceeding One Hour, then after the Rate and Proportion of Sixpence for every Fifteen Minutes completed, and Sixpence for any fractional Part of the Period of Fifteen Minutes.			
And for every Hackney Carriage drawn by One Horse only, Two Thirds only of the Rates and Fares above mentioned.			

SCHEDULE (D.)

Containing the Forms of Proceedings for the Recovery of Duties and Penalties under this Act.

No. 1.

Form of a Warrant of Distress for the Recovery of Duties.

To *A. B.* of, *&c.*

WHEREAS a Licence [*or* Licences] hath [*or* have] been granted, under the Provisions of the Statute in that Behalf made, to *C. D.* of, *&c.* to keep, use, employ, and let to Hire a Hackney Carriage [*or* Hackney Carriages] at any Place within the Distance of Five Miles from the General Post Office in the City of London, with Plates numbered (respectively) [*here specify the Number or Numbers of the Plates appertaining to the Licence or Licences granted to C. D.*]: And whereas the said *C. D.* hath made Default in Payment of the Sum of for the weekly Duty which hath become due and payable to His Majesty in respect of such Licence [*or* Licences], contrary to the Statute in that Case made and provided: Therefore we and Esquires, Two of the Commissioners of Stamps, do hereby authorize and direct you to distrain the said *C. D.* by his Goods and Chattels, and also to seize and take all or any of the Carriages, Horses, Harness, and other Things made subject and liable to the said Duty by the Statute in that Behalf, and to levy thereon the said Sum of being the Amount of such Duty so due and payable as aforesaid; and if within the Space of Five Days next after the taking of such Distress the said Sum of together with the reasonable Costs and Charges of taking and keeping such Distress, shall not be paid, then we do hereby order and direct that you shall sell and dispose of the said Goods and Chattels, Carriages, Horses, Harness, and other Things which shall be so distrained, seized, and taken, and that you shall levy and raise thereout the said Sum of and all reasonable Costs and Charges of taking, keeping, and selling such Distress, rendering the Overplus (if any) to the Owner of the said Goods and Chattels; and you are to certify to the Commissioners of Stamps what you shall have done by virtue of this our Warrant.

Given under our Hands this Day of .

No. 2.

Form of a Conviction on Proceedings for the Recovery of a Penalty.

County [*or as the Case may be*] of } BE it remembered, That on the Day of
to wit. } at *C. D.*, of, *&c.* was duly convicted
before me one of His Majesty's Justices of the Peace for

for in pursuance of an Act passed in the Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act, &c.* [*Title of this Act*], for that the said *C. D.* on the Day of did [*here state the Offence as the Case may happen to be*], contrary to the Form of the Statute in that Case made and provided; for which Offence I do adjudge that the said *C. D.* hath forfeited the Sum of and [*if the Justice mitigate the Penalty*] which Sum of I do hereby mitigate to the Sum of over and above the Sum of for the Costs and Charges of *E. F.* the Informer, in prosecuting this Conviction.

Given under my Hand and Seal the Day of

No. 3.

FORM of a WARRANT of DISTRESS founded on the foregoing Conviction.

To *A. B.* of, *&c.*

County [*or as the Case may be*] of to wit. } WHEREAS *C. D.* of, *&c.* has been duly convicted of a certain Offence, for that [*here state shortly the Offence*], whereby he hath forfeited the Sum of

[and, *in case of Mitigation,* which hath been mitigated to the Sum of over and above the Sum of for the Costs and Charges of the Informer, making together the Sum of], therefore I command you to levy the said Sum of by distraining the Goods and Chattels of the said *C. D.*, and by seizing and taking all or any of the Carriages, Horses, Harness, and other Things made subject and liable by the Statute in that Behalf to be seized and taken, to satisfy the Penalty, Costs, and Charges aforesaid; and if within the Space of Five Days next after such Distress taken, the said Sum of together with the reasonable Costs and Charges of taking and keeping such Distress, shall not be paid, then I order and direct that you shall sell and dispose of the said Goods and Chattels which shall be so distrained, seized, and taken as aforesaid, and shall levy and raise thereout the said Sum of and all reasonable Costs and Charges of taking, keeping, and selling such Distress, rendering the Overplus (if any) to the Owner of the said Goods and Chattels; and you are to certify to me what you shall have done by virtue of this my Warrant.

Given under my Hand and Seal the Day of

(Signed)
One of His Majesty's Justices of the Peace
for

No. 4.

FORM of a WARRANT of COMMITMENT for Want of a sufficient DISTRESS, founded on the foregoing Conviction.

To *A. B.* of, *&c.* and to the Keeper of the Common Gaol [*or* House of Correction] at

County [*or as the Case may be*] of to wit. } WHEREAS *C. D.* of, *&c.* has been duly convicted of a certain Offence, for that [*here state shortly the Offence*] whereby he hath forfeited the Sum of [*in case of Mitigation* which hath been mitigated to the Sum of over and above the Sum of for the Costs and Charges of the Informer, making together the Sum of]: And whereas it has been duly made to appear to me that no sufficient Distress can be found whereon to levy the said Sum of , therefore I command you the said *A. B.* to apprehend and take the said *C. D.*, and safely to convey him to the Common Gaol [*or* House of Correction] at and there to deliver him to the Keeper thereof, together with this Warrant: And I do hereby command you the said Keeper to receive into your Custody in the said Gaol [*or* House of Correction] him the said *C. D.*, and him therein safely to keep for the Space of unless the said Sum of shall be sooner paid.

Given under my Hand and Seal the Day of .

(Signed)
One of His Majesty's Justices of the Peace for .

No. 5.

FORM of a SUMMONS to the PROPRIETOR of a Hackney Carriage to produce the DRIVER thereof to answer a Complaint or Information.

To *E. F.* of, *&c.* Proprietor of the Hackney Carriage, No.

WHEREAS Complaint [*or* Information] hath been made [*or* given] against the Driver of the Hackney Carriage, Number on the Day of now last past [*or* instant], of which said Hackney Carriage you were then the Proprietor, charging that the said Driver, on the said Day of now last past [*or* instant], did [*here state the alleged Offence*], contrary to the Form of the Statute in that Case made and provided; these are therefore to require you personally to appear before me, or such other of His Majesty's Justices of the Peace as shall be present at on the Day of at of the Clock in the and then and there to produce the said Driver to answer the said Complaint [*or* Information].

Dated the Day of .

(Signed)
One of His Majesty's Justices of the Peace for .

No. 6.

FORM of a WARRANT of DISTRESS for levying upon the PROPRIETOR of a Hackney Carriage the Penalty in which the DRIVER thereof has been convicted.

To *A. B.* of, *&c.*

County [*or as the Case may be*] of to wit. } WHEREAS *C. D.*, the Driver of the Hackney Carriage, Number on the Day of (of which said Hackney Carriage *E. F.* of, *&c.* was then the Proprietor), has been duly convicted of a certain Offence, for that [*here state the Offence*], whereby he hath forfeited the Sum of [and, *in case of Mitigation*, which hath been mitigated to the Sum of over and above the Sum of for the Costs and Charges of the Informer, making together the Sum of], which hath not been paid by the said Driver, nor by any Person on his Behalf: And whereas, according to the Statute in that Behalf made, the said *E. F.*, the Proprietor of the said Hackney Carriage, hath been required to pay the said Sum of which he hath neglected and refused to do; therefore I command you to levy the said Sum of by distraining the Goods and Chattels of the said *E. F.*, the said Proprietor, and by seizing, *&c.* [*proceed as in the Form No. 3. to the End thereof.*]

No. 7.

FORM of a WARRANT of COMMITMENT of the PROPRIETOR of a Hackney Carriage, for Want of a sufficient Distress whereon to levy the Penalty in which the DRIVER of such Hackney Carriage has been convicted.

To *A. B.* of, *&c.* and to the Keeper of the Common Gaol [*or* House of Correction] at

County [*or as the Case may be*] of to wit. } WHEREAS, *&c.* [*proceed as in the Form No. 6. to the Words* "which he hath neglected and "refused to do," *inclusive*]: And whereas it has been duly made to appear to me that no sufficient Distress of the Goods and Chattels of the said *E. F.*, the said Proprietor, can be found, whereon to levy the said Sum of , therefore I command you the said *A. B.* to apprehend and take the said *E. F.* and safely to convey him, *&c.* [*proceed as in the Form No. 4. to the End thereof.*]

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXIII.

An Act to amend an Act of the Fourteenth Year of His Majesty King *George* the Third, for establishing a Fund towards defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of *Quebec* in *America*. [22d *September* 1831.]

WHEREAS by an Act passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of* Quebec *in* America, it was amongst other Things enacted, that from and after the Fifth Day of *April* One thousand seven hundred and seventy-five there should be raised, levied, collected, and paid unto His said late Majesty, His Heirs and Successors, for and upon the respective Goods therein-after mentioned, which should be imported and brought into any Part of the said Province, over and above all other Duties then payable in the said Province by any Act or Acts of Parliament, the several Rates and Duties therein mentioned; (that is to say,) for every Gallon of Brandy or other Spirits of the Manufacture of *Great Britain*, Three-pence; for every Gallon of Rum or other Spirits which should be imported or brought from any of His Majesty's Sugar Colonies in the *West Indies*, Sixpence; for every Gallon of Rum or other Spirits which should be imported or brought from any other of His Majesty's Colonies or Dominions in *America*, Nine-pence; for every Gallon of Foreign Brandy or other Spirits 14 G. 3. c. 88.

of Foreign Manufacture imported or brought from *Great Britain*, One Shilling; for every Gallon of Rum or Spirits of the Produce or Manufacture of any of the Colonies or Plantations in *America* not in the Possession or under the Dominion of His Majesty, imported from any other Place except *Great Britain*, One Shilling; for every Gallon of Molasses and Syrups which should be imported or brought into the said Province in Ships or Vessels belonging to His Majesty's Subjects in *Great Britain* or *Ireland*, or to His Majesty's Subjects in the said Province, Three-pence; for every Gallon of Molasses and Syrups which should be imported or brought into the said Province in any other Ships or Vessels in which the same might be legally imported, Sixpence; and after those Rates for any greater or less Quantity of such Goods respectively; and it was thereby further enacted, that all the Monies that should arise by the said Duties (except the necessary Charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) should be paid by the Collector of His Majesty's Customs into the Hands of His Majesty's Receiver General in the said Province for the Time being, and should be applied in the first place in making a more certain and adequate Provision towards defraying the Expences of the Administration of Justice and of the Support of the Civil Government in the said Province; and that the Lord High Treasurer, or the Commissioners of His Majesty's Treasury or any Three or more of them, for the Time being, should be and they were thereby empowered from Time to Time, by any Warrant or Warrants under his or their Hand or Hands, to cause such Money to be applied, out of the said Produce of the said Duties, towards defraying the said Expences; and it was thereby enacted, that the Residue of the said Duties should remain and be reserved in the Hands of the said Receiver General for the future Disposition of Parliament: And whereas the said Province of *Quebec* hath, since the Enactment of the said Act, been divided into the Two Provinces of *Upper Canada* and *Lower Canada*: And whereas it is expedient to make further Provision for the Appropriation of the Duties raised, levied, and collected under the said Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Legislative Councils and Assemblies of the said Provinces of *Upper Canada* and *Lower Canada* respectively, by any Acts to be by them from Time to Time passed, and assented to by His Majesty, His Heirs and Successors, or on His or Their Behalf, to appropriate, in such Manner and to such Purposes as to them respectively shall seem meet, all the Monies that shall hereafter arise by or be produced from the said Duties, except so much of such Monies as shall be necessarily defrayed for the Charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same.

Legislative Councils of Upper and Lower Canada may appropriate certain Revenues thereof as shall seem meet to them.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXIV.

An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts.

[22d *September* 1831.]

WHEREAS an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned;* and which Act was amended by another Act passed in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor:* And whereas another Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries and Employment of the Poor; and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain: And whereas another Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to empower the Commissioners in* Great Britain *for the Execution of several Acts, for authorizing the Issue of Exchequer Bills for carrying on of Public Works and Fisheries and Employment of the Poor,* 57 G. 3. c. 34. 57 G. 3. c. 124. 1 G. 4. c. 60. 1 & 2 G. 4. c. 111.

to extend the Time for the Payment of certain Advances under the said Acts: And whereas another Act passed in the Third Year of the
3 G. 4. c. 86. Reign of His said late Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act passed in the Fourth Year of the Reign of His said late
4 G. 4. c. 63. Majesty, intituled *An Act to authorize the Advance of Money by the Commissioners under several Acts for the Issue of Exchequer Bills for Public Works, for the building, rebuilding, enlarging, or repairing of Gaols in* England: And whereas another Act passed in the Fifth
5 G. 4. c. 36. Year of the Reign of His said late Majesty, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works:* And whereas another Act passed
5 G. 4. c. 77. in the said last-mentioned Year, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works:* And whereas another Act passed in the Sixth Year of His said late Majesty's
6 G. 4. c. 35. Reign, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland: And whereas another Act passed in the Seventh Year of
7 G. 4. c. 30. the Reign of His said late Majesty, intituled *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain Cases:* And whereas another Act passed in the Seventh and Eighth Years of the Reign
7 & 8 G. 4. c. 12. of His said late Majesty, intituled *An Act to amend an Act of the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland: And whereas another Act
7 & 8 G. 4. c. 47. passed in the said last-mentioned Year, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works:* And whereas sundry Advances have been made by the said Commissioners to divers Persons or Parties, Bodies Politic or Corporate, or Companies, for the Purposes and under the Regulations in the said Acts respectively contained; and Applications have been made to the said Commissioners for other Advances: And whereas great Advantage may arise by a further Advance of Exchequer Bills, to be lent by the Commissioners named in and appointed by this Act, for the like Purposes and under and subject to the like Terms and Conditions as are specified and prescribed by the said recited Acts or any of them, with respect to the Advance of Exchequer Bills authorized by the said recited Acts or any of them, except so far as such Terms and Conditions may be altered or extended by this Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the King's most Excellent Majesty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being,

Empowering Commissioners of Treasury to issue Exchequer Bills to the Amount of One Million.

to cause or direct any Number of Exchequer Bills to be made out at His Majesty's Exchequer in *Great Britain*, not exceeding in the whole the Sum of One Million, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed. 48 G.3. c. 1.

Powers of last-recited Act to extend to this Act.

II. And be it further enacted, That all the Powers, Authorities, Regulations, Clauses, Provisoes, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of His said late Majesty's Reign shall be applied and extended to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Bills to bear an Interest of 2*d.* per Cent. per Diem.

III. And be it further enacted, That the said Exchequer Bills to be made in pursuance of this Act shall bear an Interest not exceeding the Rate of Two-pence *per Centum per Diem* upon or in respect of the whole of the Money contained therein, and shall be made payable at the Period herein-after mentioned.

Bills not to be received in Payment of Taxes before the Day appointed for their Payment.

IV. Provided always, and be it further enacted, That the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall after that Time pass and be current to all Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, due or payable to His Majesty, His Heirs or Successors, and also at the Receipt of Exchequer in *Great Britain* for the said Receivers or Collectors; but no such Receiver or Collector shall exchange at any Time before the said Day of Payment thereof, for any Money of such Revenues, Aid, Taxes, or Supplies in his Hands, any Exchequer Bills which shall have been issued as aforesaid by virtue of this Act, nor shall any Action be maintained against any such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof, any thing in this Act to the contrary notwithstanding; and that such of the same Bills as shall be received at the said Receipt of Exchequer shall be locked up and secured as Cash according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Exchequer Bills to be payable One Year from Date, with Interest.

V. And be it further enacted, That from and after the passing of this Act all Exchequer Bills which at any Time after the passing of this Act shall be made out and issued in pursuance of either of the said recited Acts or this Act, and advanced for any of the Purposes mentioned in the said recited Acts or any of them, or in this Act, shall be made payable within One Year from the Date thereof respectively; and that the Principal Sum mentioned in every such Bill,

Bill, together with the Interest thereon at the Rate aforesaid, to be computed from the Day of the Date of such Bills respectively until the Time of Payment thereof, shall be chargeable on some Part of the Aids or Supplies for the Year next succeeding the Day of the Date of the said Bills respectively.

Officers of the Exchequer not to receive Fees.

VI. And be it further enacted, That no Officer or other Person employed in and about the Execution of the said recited Acts and this Act, in the Receipt of His Majesty's Exchequer in *Great Britain*, shall demand, take, or accept any Fee or Gratuity whatsoever for their Care and Labour therein, other than such Salaries, Allowances, Rewards, or Emoluments as shall or may be granted to or be allowed to be taken by them respectively under the Authority of the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being in *Great Britain*.

Commissioners appointed under recited Acts to be Commissioners under this Act together with those herein mentioned.

VII. And be it further enacted, That the several Persons who in and by the said first-recited Act and the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth are constituted Commissioners for the Execution of the said Act in *Great Britain*, or so many of them as shall be living at the Time of the passing of this Act, together with Lord *Ebrington*, Sir *Charles Price* Baronet, *Benjamin Heywood* Esquire, *Henry Labouchere* Esquire, *William Ward* Esquire, *Nicholas Garry* Esquire, *John Henry Pelly* Esquire, *Thomas Vigne* Esquire, *John Bonham Carter* Esquire, *John Horsley Palmer* Esquire, *Abraham George Robarts* jun^r^ Esquire, *Thomas Baring* Esquire, *George Ward Norman* Esquire, *Henry Warburton* Esquire, *John Irving* Esquire, *George Carr Glynn* Esquire, *Samuel Jones Lloyd* Esquire, are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and that all the Powers and Authorities given to the Commissioners or their Secretary for the Time being, or to the Commissioners of the Treasury or any Three or more of them, or the Lord High Treasurer, for the Time being, or to any Person or Persons appointed by the Commissioners of the Treasury or any Three or more of them, when the Powers of the Commissioners under this Act shall cease, or to any Trustees of any Roads or other Public Works, or other Persons having Charge of or concerned in the building or making any Churches or Public Works, or to any Bodies Politic, Corporate, or Collegiate, or Companies of Proprietors, to whom any Advances are authorized to be made under the said recited Acts, shall vest in and may be used and exercised by the Commissioners and their Secretary for the Time being, and their Successors in Office, and by the Commissioners of His Majesty's Treasury or any Three or more of them for the Time being, or by any Person or Persons appointed by the Commissioners of the Treasury, and by such Trustees or other Persons, or any Bodies Politic or Corporate or Collegiate, or Companies, applying for any Advances, or to whom any Advances may be made under this Act; and all such Powers and Authorities, Regulations, Restrictions, Clauses, Provisoes, Privileges, Advantages, Penalties, and Forfeitures contained in the recited Acts shall be applied and extended to all Loans advanced and Acts done by the said Commissioners or their Secretary for the Time being, or any Trustees or other Persons, or Bodies Politic, Corporate, or Collegiate, or Companies, in pursuance

pursuance and in execution of this Act, as fully and effectually to all Intents and Purposes as if the said several Powers, Authorities, Regulations, Restrictions, Clauses and Provisoes, Privileges, Advantages, Penalties, and Forfeitures, had been particularly and severally and separately repeated and re-enacted in the Body of this Act, except only so far as the same are altered or amended and enlarged by this present Act.

Commissioners to take the following Oath.

VIII. And be it further enacted, That any Two of the said Commissioners named in and constituted by this Act, before that they shall enter upon the Execution of this Act, shall take an Oath before the Chancellor of the Exchequer or the Master of the Rolls for the Time being in *Great Britain;* which Oath the said Chancellor and Master of the Rolls are and is hereby respectively authorized and required to administer, the Tenor whereof shall be as followeth; (that is to say,)

'I *A. B.* do swear, That according to the best of my Judgment I 'will faithfully and impartially execute the several Powers and 'Trusts vested in me by an Act, intituled *An Act* [*here set forth the 'Title of this Act*], according to the Tenor and Purport of the said Act.'

And every other of such Commissioners respectively shall likewise take the same Oath before such Two Commissioners, who are hereby authorized and required to administer the said Oath, after they shall themselves have taken the same as aforesaid.

Three Commissioners may act.

IX. And be it further enacted, That after the passing of this Act all Acts, Matters, and Things which the said Commissioners for the Execution of the said recited Acts and this Act are by the said recited Acts or this Act authorized to do or execute may be done and executed by any Three or more of such Commissioners.

Commissioners may advance Money under this Act, subject to the Terms and Conditions of former Acts, except so far as the same may be altered by this Act.

X. And be it further enacted, That the said Commissioners, at any Time after the passing of this Act, may lend and advance, and apportion or distribute, to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors, or Person or Persons, engaged in or desirous of carrying on or interested in any Works of a public Nature, carried on or which may hereafter be carried on under the Authority of Parliament, in any Part of *Great Britain,* or for the Encouragement of the Fisheries, or the Support of any Collieries or Mines, or any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any the Purposes in the said recited Acts mentioned, or for any the Purposes mentioned in this Act, whether any such Corporations, Companies, Trustees, or Persons respectively shall or shall not have received any Loan or Advance under the said recited Acts or either of them, at any Time before the passing of this Act, all or any Part of the Sum or Sums of Exchequer Bills to be issued at any Time after the passing of this Act, under the Authority of the said recited Acts or any of them, or this Act, upon, under, and subject to the like Terms and Conditions as are specified and prescribed by the said recited Acts or any of them, with respect to the Advance of Exchequer Bills authorized by the said recited Acts or any of them, except so far as such Terms and Conditions may be altered or extended by this Act.

Auditor of the Exchequer to direct Exchequer Bills to be issued agreeably to Certificates of Commissioners.

XI. And be it further enacted, That when and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Exchequer Bills to be advanced under the Provisions of the said recited Acts or any of them, or this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* for the Time being, who, on such Certificate or Certificates being deposited in his Office, shall cause and direct to be delivered to the Bearer or Bearers thereof Exchequer Bills, payable at the Period before mentioned, and to such Amount as the said Commissioners shall direct, provided the total Amount to be issued by virtue of such Certificates shall not at any Time exceed the Amount of such Exchequer Bills directed to be issued under this Act; and every such Exchequer Bill shall bear Date on the Day on which the said Certificates shall appoint and direct, and shall and may be signed by the Auditor of the Receipt of His Majesty's Exchequer, or in his Name by any Person duly authorized by the said Auditor to sign the same.

Lists of Exchequer Bills issued to be delivered to Commissioners.

XII. And be it further enacted, That such Officers by whom such Exchequer Bills shall be delivered shall from Time to Time, upon Requisition of the said Commissioners for the Execution of the said recited Acts and this Act, deliver to them at their Office complete Lists of all the Exchequer Bills made out and delivered by them, specifying therein the respective Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Persons to whom and the Numbers of the Certificates by virtue whereof the same were issued respectively.

Bank to continue to keep open an Account with the Commissioners.

XIII. And be it further enacted, That the Governor and Directors of the Bank of *England* are hereby required to continue the Account now open in their Books with the Commissioners for the Execution of the said recited Acts, under the Title of "Commissioners for the Issue of certain Exchequer Bills," and shall carry to the Credit of such Account the several Monies by the said recited Act or this Act directed to be paid to the Cashiers of the said Bank of *England;* and whenever the said Commissioners for the Execution of the said recited Act and this Act shall have advanced or lent any of the Exchequer Bills to be made out in pursuance of this Act, to any Person or Persons, Body Politic or Corporate, the said Commissioners shall, at some Time before the Sums contained therein shall be to be repaid, deliver to such Person or Persons, Body Politic or Corporate, at his or their Request, One or more Certificate or Certificates, under the Hands of any Three or more of them, specifying the Amount of the Exchequer Bills lent and advanced to such Person or Persons, Bodies Politic or Corporate, and the Amount of the Money to be received on account thereof; and the said Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate or Certicates, accept and receive from the Person or Persons producing the same the Amount of the Money therein mentioned to be receivable, and at the Foot of such Certificate or Certificates shall acknowledge the Receipt of the said Money without Fee or Reward; and every Receipt so given as aforesaid shall be afterwards brought to the Office of the said Commissioners, and by them entered in proper Books to be

provided and kept for that Purpose, and the said Commissioners, or any Three or more of them, shall attest the same under their Hands, and return the same to the Person or Persons producing the same at the said Office; and every such Receipt so attested, and every such Entry in any of the said Books, shall respectively from thenceforth be a valid and effectual Acquittance and Discharge for the Sum or Sums expressed therein to have been received, as well against the said Commissioners, and every of them, their and every of their Executors and Administrators, as also to the Person or Persons to whom such Receipt or Receipts shall be given, and to all and every the Person and Persons who shall have entered into any Security in respect of the Exchequer Bills mentioned in such Certificate to which such Receipt shall be subscribed, their and every of their Heirs, Executors, and Administrators respectively, to all Intents and Purposes whatsoever; and all Money which may be recovered by any legal or other Proceedings directed by the said Commissioners under the Authority of the said recited Acts or any of them, or this Act, shall be paid by the Secretary of the said Commissioners, or such other Persons as may be appointed by them for that Purpose, into the same Account, upon a Certificate to be signed by Three or more of the said Commissioners, specifying on what or on whose Account the said Money may have been recovered; and the said Cashiers of the Bank, or any One of them, shall, upon the Production of such last-mentioned Certificate, accept and receive from such Secretary or other Person the Monies mentioned in such last-mentioned Certificate, and at the Foot of such Certificate shall acknowledge the Receipt of the said Monies, without Fee or Reward.

Money paid into the Bank to be from Time to Time paid into the Exchequer, and kept apart from other Monies;

XIV. And be it further enacted, That all Sums of Money which shall be paid into the Bank of *England* under or by virtue of the said recited Acts or any of them, and this Act, shall from Time to Time be paid into the Receipt of His Majesty's Exchequer at *Westminster* in the Manner provided by the said recited Acts or some or one of them; and there shall in like Manner be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer a Book or Books, in which all the Monies paid into the said Receipt by virtue of the said recited Acts or any of them, and this Act, shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all Monies so paid into the said Receipt by virtue of the said recited Acts or any of them, and this Act, shall be subject and liable to the Uses and Purposes herein-after mentioned; (that is to say,) in the first place, for paying off and discharging all the Exchequer Bills to be made out by virtue of the said recited Acts or any of them, and this Act, with such Interest as shall be payable thereon, at the respective Days and Times and in the Order and Course in which the same are hereby directed to be discharged; and all such Exchequer Bills, and Interest thereon as aforesaid, shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall arise in the Receipt of His Majesty's Exchequer accordingly; and after paying off and discharging the same; in the next place to pay off all the Charges and Expences which shall be incurred by the said Commissioners, and to make good all such Sums as have been issued to the said Commissioners out of the Public

and to be subject to the Uses herein specified.

Public Monies towards the said Charges and Expences, in pursuance of the Orders of the said Commissioners of His Majesty's Treasury, or any Three of them, or the Lord High Treasurer for the Time being, according to the Directions of the said recited Acts and of this Act, and also to pay and satisfy all Charges and Expences incidental to or attending the making out such Exchequer Bills; and if any Surplus shall remain of the Monies paid into the said Receipt by virtue of the said recited Acts and this Act, upon satisfying the several Sums hereby charged thereon as aforesaid, such Surplus shall be reserved for the Disposition of Parliament.

Bank may advance Money on the Credit of this Act.

XV. And be it further enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, at the Receipt of the Exchequer of *Great Britain*, upon the Credit of the Exchequer Bills issued under the said recited Acts or any of them, and this Act, any Sum or Sums of Money not exceeding in the whole the Sum of One Million; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, to the contrary thereof in anywise notwithstanding.

5 & 6 W. & M. c. 20.

Exchequer Bills not used to be cancelled.

XVI. And whereas the Parties to whom Exchequer Bills may be issued by virtue of this Act may not have Occasion to make use of all the said Bills; be it further enacted, That such Exchequer Bills as may be tendered in Payment or Part of Payment of any of the Sums advanced by virtue of this Act shall be returned to the Office at the Exchequer in *Great Britain* from which they were issued, and forthwith cancelled by the proper Officer or Officers by whom the said Bills were issued, he or they giving a Certificate to the Person returning such Exchequer Bills, for the Information of the said Commissioners, and in order that the Amount thereof, and of all Interest due thereon, may be credited to the Parties so returning the same to be cancelled.

Six Months Notice to be given of Termination of the Powers of the Commissioners.

XVII. And be it further enacted, That so soon as the whole Sum of One Million, by this Act authorized to be issued and applied under the Provisions of the said recited Act and this Act, shall have been advanced and lent by the said Commissioners for the Execution of the said recited Acts and this Act, or whenever the Sums so lent and advanced by the said Commissioners shall amount to any Sum within Five thousand Pounds of the full Amount of the said Sum of One Million, or whenever the said Commissioners of His Majesty's Treasury shall think fit that the Powers of the said Commissioners for the Execution of the said recited Act and this Act should cease and determine, the Commissioners of His Majesty's Treasury, or any Three or more of them, are hereby authorized to direct the said Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, of whom the Chairman or Deputy Chairman shall be one, and the said Commissioners for the Execution

of

of the said recited Acts and this Act are thereupon hereby authorized and required to publish and declare, by Advertisements to be inserted in the *London Gazette* and such of the daily Newspapers as the said Commissioners of His Majesty's Treasury may appoint, that at the Expiration of Six Calendar Months from the Date of the said Advertisements respectively the said Commissioners for the Execution of the said recited Acts and this Act will cease to execute and perform the Powers and Authorities vested in them by the said recited Acts and this Act, and all the Powers and Authorities of the said Commissioners for the Execution of the said recited Acts and this Act shall thereupon cease and determine accordingly; and the said Commissioners shall with all convenient Speed lay an Account in Writing of all their Proceedings under the said recited Acts and this Act before both Houses of Parliament, and also shall deliver or cause to be delivered up to the said Commissioners of His Majesty's Treasury for the Time being, or to such Person or Persons as the said Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Writing under their Hands, shall nominate and appoint, all the Bonds, Mortgages, Deeds, Books of Account, Papers, and Writings, of what Nature or Kind soever, in the Possession or under the Controul of the said Commissioners for the Execution of the said recited Act and this Act, or any of their Officers, touching or relating to any Security or Securities whatsoever taken by them the said Commissioners for any Loan or Loans advanced by them under the Powers and Authorities of the said recited Acts or any of them, and this Act, together with the Minutes of the Proceedings of them the said Commissioners, and all Books, Papers, and Writings in any Manner relating thereto.

As to Loans to an incomplete Work not in Receipt of Tolls.

XVIII. And whereas by the said recited Act passed in the Third Year of the Reign of His said late Majesty it is among other Things enacted, that it should be lawful for the said Commissioners to make any Advance of Exchequer Bills under the said therein-recited Acts or any of them, or that Act, in aid of any Public Work or Undertaking as aforesaid, upon such Security as therein is mentioned, although such Public Work or Undertaking should only be in part completed, and should not be in the Receipt of any Rate, Rents, Tolls, or Profits, or not in the Receipt of any Rate, Rents, Tolls, or Profits of sufficient Amount for the Repayment of any Loan by Instalments, as therein mentioned and provided, (among other Conditions,) the Corporation or Company or Person or Persons carrying the same into execution should expend, subscribe for, or deposit, in such Manner as the said Commissioners should direct, before any Advance should be made under the Provisions of the said recited Acts or any of them, and that Act, a Sum equal to not less than Half the estimated Costs for the Completion of such Work or Undertaking as aforesaid, and that in the Estimate of the Sum so to be expended, subscribed for, or deposited, the said Commissioners might, if they should see fit, take into Consideration Monies already expended upon such Work or Undertaking, but so as that in no Case the further Expenditure, Subscription, or Deposit required as aforesaid should be less than One Third of the estimated Costs for the Completion of the whole of such Work or Undertaking as aforesaid; be it further enacted, That in all Cases in which Application shall be made to the said Commissioners, from and after the passing of this

Act, for any Loan of Exchequer Bills or Money in aid of any Public Work or Undertaking which may be only in part completed, or which may not be in the Receipt of any Rate, Rents, Tolls, or Profits, or not in the Receipt of any Rate, Rents, Tolls, or Profits of sufficient Amount for the Repayment of any such Loan by Instalments, in the Manner and within the Periods aforesaid, the said Commissioners may, if they shall see fit, in the Estimate of the Sum to be so expended for the Completion of such Work or Undertaking, take into consideration all Monies expended upon such Work or Undertaking from its Commencement, and consider the same as forming a Part of the Proportion of One Half or One Third, as the Case may be, of the Sum necessary to be expended, subscribed for, or deposited as aforesaid in the Completion thereof; and shall and may also, if they see fit, with the Consent of the Commissioners of His Majesty's Treasury, or any Three or more of them, exempt the Proprietors of any such Undertaking who may have paid or shall hereafter pay the whole of their Subscriptions upon such Terms and Conditions and to such Extent as they shall direct and appoint, from any Liability to a further Advance for the Completion of the Undertaking, in case the Expence of completing the same should exceed the Estimate for such Completion; any thing in the said recited Acts or any of them to the contrary notwithstanding.

Commissioners may take into consideration Money temporarily advanced to carry on Works with a View to Repayment thereof out of the Advances.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, in regulating the Amount of any Advance which may be applied for under the Provisions of the said recited Act of the Third Year of the Reign of our said late Majesty King *George* the Fourth, or of any of the other recited Acts or of this Act, to take into their Consideration, with a View to the Repayment of the same out of such Advance, the Amount of any Money which shall have been, before the making of any such Advance by the said Commissioners, temporarily advanced, or placed at the Disposal of any Corporation or Company, by the Treasurer thereof, or by any Members of any such Corporation or Company, or under the Guarantee of any Member of any such Corporation or Company, for the Purpose of carrying on any Works in progress, and in respect of which any such Advance shall be applied for.

Priority of Exchequer Loan Commissioners.

XX. And whereas Doubts have arisen as to the Extent of the Priority of Mortgages, Assignments, or other Securities taken by the Commissioners for Advances made under the Authority of the said recited Act; for Remedy whereof be it declared and enacted, That in all Cases where such Mortgages, Assignments, or other Securities shall have been or shall be taken by the said Commissioners as aforesaid, for securing the Repayment of any Loan, whether of Bills or Money, under the said recited Acts or any of them, or this Act, all such Mortgages, Assignments, and other Securities have and shall have Priority over and precede all other Liabilities, Claims, and Securities whatsoever chargeable on the Property included in such Mortgages, Assignments, or other Securities, and all Dividends and Division of Profit or Interest upon any Sums advanced or contributed, or which shall or may thereafter have been advanced or contributed, for the carrying on or completing of any such Public Work, Road, Railway, or Drainage, save and except only such Sums as shall have been advanced by way of Loan before the Advance of

such Bills or Money, and for securing of which said previous Advances Mortgages, Assignments, or other Securities shall have been given and executed to any Person or Persons *bonâ fide* Creditors, and entitled as such to the Repayment of the Principal Money advanced by them, as well as Interest thereon; any thing contained in any Act or Acts of Parliament relating or which may hereafter relate to any such Public Work, Road, Railway, or Drainage, in aid or in respect of which any such Exchequer Bills or Money shall have been or shall be advanced under the Provisions of the said recited Acts or any of them, or this Act, to the contrary in anywise notwithstanding.

Commissioners may take Possession of Property mortgaged, in certain Cases; and demise or lease the same.

XXI. And be it enacted, That in every Case in which the said Commissioners for the Execution of the said recited Acts or this Act shall have made or shall hereafter make any Advance of Exchequer Bills or Money, by way of Loan, to any Body Politic, Corporate, or Collegiate, or to any Company of Proprietors, or any Trustees, Commissioners, or other Person or Persons whomsoever, by whatever Name or Names they are or may be called, under the Provisions of the said recited Acts or any of them, or this Act, upon the Security of any Mortgage, Assignment, or Charge on any Rates, Tolls, or other Receipts of any Road, Railway, Drainage, Canal, Navigation, or other Public Work, or on any Interest, Property, or Effects whatsoever, Real or Personal, and Default shall be made in Repayment either of all or any Part of such Loan, or of the Interest thereof or of any Part thereof, or such Borrower or Borrowers shall neglect or refuse to levy or raise such Tolls, Rates, or other Receipts, then and in every or any such Case it shall be lawful for the said Commissioners for the Execution of the said recited Acts and this Act, nevertheless without Prejudice and in addition to every or any other Remedy they have or may have, to enter upon, take Possession of, and receive, in the Manner authorized by the said recited Acts or any of them, the said Rates, Tolls, and other Receipts, and all Toll Gates, Toll Bars, and Toll Houses used or which may be used for collecting and receiving the same, and also the said Interest, Property, and Effects, and all Rents, Issues, and Profits thereof; and, in the absolute Discretion of the said Commissioners, to continue in such Possession, Receipt, and Enjoyment, whether such Possession shall have been taken under the said recited Acts, or shall be taken under this Act, until the Repayment of such Loan and the Interest thereof, and of all Costs, Charges, and Expences incidental to such taking and retaining Possession, and otherwise in recovering such Loan and Interest, or to relinquish the same in manner herein-after mentioned; and also to demise or lease all or any Part of such Rates, Tolls, Receipts, Toll Gates, Toll Bars, Toll Houses, Interest, Property, Effects, Rents, Issues, and Profits, for any Term or Number of Years, and under any applicable and reasonable Covenants, Conditions, and Stipulations, and either in consideration of a Premium, Fine, or Foregift, or of any annual Rent, or partly in consideration of a Premium, Fine, or Foregift, and partly in consideration of an annual Rent; and also to sell or mortgage all or any Part of such Rates, Tolls, Receipts, Toll Gates, Toll Bars, Toll Houses, Interests, Property, Effects, Rents, Issues, and Profits; and by in any Manner exercising, through the Medium of their Secretary for the Time being, any of the Rights, Powers, Authorities, and Privileges whatsoever which at the Time of taking such Possession, or at any Time thereafter, were, are, or may be vested, reposed, subsisted in, or exerciseable by any such Borrower

Borrower or Borrowers as aforesaid; and which Powers, Authorities, and Privileges, from the taking of such Possession as aforesaid, shall and are hereby enacted and declared to be vested in such Secretary as aforesaid, and to be assignable by him, as the said Commissioners may appoint, for the Purpose of raising by Sale or Mortgage such Money as shall be sufficient to repay all Monies due in respect of such Loan, and the Interest thereof, and all Costs, Charges, and Expences attending such Proceedings, or otherwise incidental to the Recovery of such Loan and Interest; and in every such Case in which the said Commissioners for the Execution of the said recited Acts or this Act shall have taken or shall take such Possession as aforesaid, the said Commissioners or any Three or more of them, by Writing under their Hands, are hereby authorized to nominate any Person or Persons whomsoever, whether he or they shall or shall not be interested or concerned in or in or about the Management or Enjoyment of such Rates, Tolls, Receipts, Interest, Property, Work, or Effects so taken or to be taken Possession of as aforesaid, to superintend, manage, and take charge of such Public Work, and to receive all Rates, Tolls, Receipts, Interest, Property, and Effects, and all Rents, Issues, and Profits belonging or receivable therefrom, for the Benefit of the said Commissioners, under the Provisions and for the Purposes aforesaid, and in such Manner and subject to such Directions as the said Commissioners shall from Time to Time appoint, until the whole Advance of the said Commissioners on account of such Work or Undertaking, and all Interest, Costs, and Charges connected therewith and the Recovery thereof, shall be fully paid and satisfied; any Law, Statute, or Usage to the contrary thereof notwithstanding.

Relinquishing the Possession of Property so taken Possession of.

XXII. Provided always, and be it enacted, That in all Cases in which such Possession shall have been taken or shall be taken as aforesaid, it shall be lawful for the said Commissioners, at any Time thereafter, if they shall think fit, to relinquish such Possession, in such Manner and Form and upon such Terms and Conditions as the said Commissioners may direct and appoint; and then and in that Case, and immediately thereupon, all the Powers, Authorities, and Privileges which on the taking of such Possession shall have become vested in the Secretary of the said Commissioners for the Time being shall revert to and again become vested in the Body Politic, Corporate, or Collegiate, or Party or Parties, Person or Persons, in whom the same would have been vested, and in such and the like Manner, to all Intents and Purposes, as if no such Possession had been taken as aforesaid, except only such of the said Powers, Authorities, and Privileges as the said Commissioners may think fit and which they are hereby authorized to reserve on relinquishing such Possession, with a View to the Repayment of any Advance made or to be made by them, and all Interest, Costs, and Charges recoverable thereon; any thing in the said recited Acts or this Act to the contrary notwithstanding.

Act may be altered.

XXIII. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXV.

An Act to amend the Acts for regulating Turnpike Roads in *England*, so far as they relate to certain Exemptions from Toll. [22d *September* 1831.]

WHEREAS Doubts are entertained whether, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, and of several other Acts amending the same, Cattle going to or from Water or Pasture, and passing on such Turnpike Roads, or from being shoed or farried, are exempted from Tolls; for the Removal therefore of such Doubts, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Toll shall be demanded or taken for or in respect of any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any kind going to or from Water or Pasture, or to or from being shoed or farried, and passing on any Turnpike Road, provided that such Horse, Ass, Sheep, Swine, or other Beast or Cattle of any kind do not pass upon such Turnpike Road more than the Space of Two Miles, going to or returning from Water or Pasture, or to or from being shoed or farried. 3 G.4. c.126.

Cattle going a certain Distance along a Turnpike Road to Pasture, &c. shall be exempt from Toll.

II. And be it further enacted, That no Toll shall be demanded or taken on any Turnpike Road for any Horse or other Beast of Draught, Toll not to be taken for any Horse, Cart,

&c. employed in the Performance of Statute Labour.

Draught, or for any Waggon, Wain, Cart, or other Carriage, when employed or going to be or returning from having been employed in the Performance of Statute Labour on any Road; any thing contained in any Act for regulating Turnpike Roads to the contrary notwithstanding.

Act not to prejudice former Acts.

III. And be it further enacted, That all and every the Powers, Provisions, Authorities, Penalties, and Forfeitures contained in the said recited Act, and in the several other Acts for regulating Turnpike Roads in *England*, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act, and that the said recited Act and this Act shall be construed together as One Act.

Act not to extend to Gates near London.

IV. And be it further enacted, That the Provisions of this Act shall not be applicable to any Turnpike Gate or Bar, or to any Cattle passing through the same, unless the said Gate or Bar shall be situate more than Six Miles from *London Bridge*.

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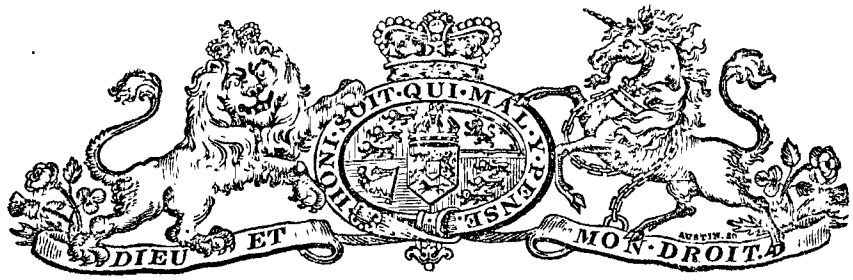

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXVI.

An Act to amend an Act of the Fifty-second Year of the Reign of His Majesty King *George* the Third, respecting the Audit of the Public Accounts of *Ireland;* and to appoint the Number of Commissioners competent to grant Quietus to Public Accountants, under an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, for consolidating the Public Revenues of *Great Britain* and *Ireland.*

[22d *September* 1831.]

WHEREAS by an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act to provide for the speedy and regular Examination and Audit of the Public Accounts of* Ireland, *and to repeal certain former Acts relating thereto,* it is among other Things enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, by Letters Patent under the Great Seal of *Ireland,* to nominate and appoint from Time to Time such Persons as He or They shall think proper, not exceeding Five Persons at any one Time, to be Commissioners for auditing the Public Accounts in *Ireland;* and it is by the said Act further enacted, that in all Cases not otherwise 52 G. 3. c. 52.

otherwise thereby expressly directed or provided, all and every Authority vested or to be vested in, and all and every Act and Acts directed or authorized to be done by, the said Commissioners, shall and may be exercised and done by any Three of them: And whereas Five Persons were duly appointed Commissioners for auditing the Public Accounts in *Ireland*, pursuant to the Provisions of the said recited Act; but One of such Persons has been long since invalided, and another has died, and it has not seemed good to His gracious Majesty, with regard to the Public Service, that the Vacancies so happening should be filled up; and it has therefore become expedient that any Two Persons, being such Commissioners as aforesaid, should be enabled to exercise and execute the respective Powers, Authorities, and Duties which under the said recited Act might or ought to be exercised by Three at least of the Persons being such Commissioners as aforesaid: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Authority vested in, and all and every Act or Acts directed or authorized to be done by, the Commissioners appointed or to be appointed under or by virtue of the Provisions of the said recited Act of the Fifty-second Year of the Reign of His Majesty King *George* the Third, and which by virtue of the Provisions of the said recited Act might have been exercised or done by any Three of such Commissioners, shall and may, from and after the passing of this Act, be exercised or done by any Two of such Commissioners; and that all and every such Authority and Authorities exercised or to be exercised by, and all and every such Act and Acts done or to be done by, any Two of such Commissioners, by virtue or in execution of their Office, shall be alike valid and effectual to all Intents and Purposes as if exercised or done by Three of the said Commissioners, any thing in the said recited Act or any other Act or Acts to the contrary notwithstanding.

Quorum of Commissioners under 52 G. 3. c. 52. reduced from Three to Two.

II. And whereas by an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to unite and consolidate into One Fund all the Public Revenues of* Great Britain *and* Ireland, *and to provide for the Application thereof to the general Service of the United Kingdom*, it is among other Things enacted, that in all Cases where the Commissioners for auditing the Public Accounts in *Ireland* shall have audited and certified, or shall thereafter audit and certify, any Account whatsoever of any Public Accountant, and it shall satisfactorily appear to the said Commissioners, upon such Examination and Proof as to them shall seem expedient, that such Accountant is even and quit with the Public on such Account, it shall and may be lawful for the said Commissioners for auditing the Public Accounts, and they are thereby authorized and required, under their Signature, to acquit and discharge and grant a Quietus to such Public Accountant, such Acquittance, Discharge, or Quietus being of such Force and Effect as by the said last-recited Act provided; but the Number of Persons being such Commissioners for auditing the Public Accounts, who are authorized and required as aforesaid to sign such Quietus, is not specified, and

56 G. 3. c. 98.

Doubts have arisen as to the Validity of any Quietus signed by fewer than the whole Number of Persons appointed Commissioners for auditing the Public Accounts under the said Act of the Fifty-second Year of the Reign of His Majesty King *George* the Third, hereinbefore first recited, and it is therefore proper and necessary to declare and enact as herein-after followeth; be it therefore declared and enacted, That any Quietus, Acquittance, or Discharge which has or shall at any Time before the passing of this Act have received the Signature of any Three Persons, being such Commissioners as aforesaid, or which at any Time after the passing of this Act shall receive the Signatures of any Two Persons, being such Commissioners as aforesaid, shall be in each Case respectively alike good, valid, and effectual to all Intents and Purposes as if such Quietus had received the Signature of the whole Number of Persons appointed such Commissioners as aforesaid; and any Quietus so signed shall be taken and received by any Court of Law or Equity in the United Kingdom in bar of any Suit or Process against such Public Accountant who shall have received the same, for any Matter or Thing touching the Period of Account with respect to which such Acquittal, Discharge, or Quietus shall have been granted, any thing in the said recited Act of the Fifty-sixth Year of the Reign of King *George* the Third, or in any other Act or Acts, to the contrary notwithstanding.

Any Quietus under 56 G. 3. c. 98. valid, if before the passing of this Act it is signed by Three Commissioners, or after the passing of this Act is signed by Two Commissioners.

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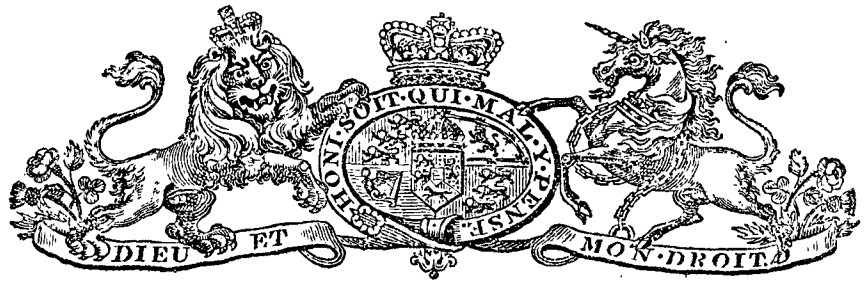

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXVII.

An Act to enable the Treasurer of the County of *Clare* to issue his Warrants for the levying of the Presentments made at the Spring Assizes of the Year One thousand eight hundred and thirty-one. [22d *September* 1831.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Amendment of public Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for those Purposes*, it is among other Things enacted, that the Treasurer of each County shall, within One Month after he shall have received Copies of the Presentments, which Copies it is by the said recited Act provided shall be delivered to such Treasurer, issue his Warrants to the several Persons who under the Provisions in the said Act contained are to be the Collectors for levying and collecting the Sums to be raised off each Barony or Half Barony, as in the said Act mentioned: And whereas several Presentments were made at the Spring Assizes held in and for the County of *Clare* in the Month of *March* One thousand eight hundred and thirty-one, and Copies of such Presentments were duly delivered to the then Treasurer of the said County, but such Treasurer has since died, without having issued his

36G.3. c.55. s. 52. (I.)

Warrants pursuant to the Provisions of the said Act herein-before recited, and another Person has been appointed Treasurer of the said County of *Clare;* and Doubts have arisen whether such present Treasurer can legally issue his Warrants on the Presentments afore mentioned without Authority of Parliament; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Treasurer for the Time being to issue his Warrants for raising all Monies under Presentments made at the Assizes in March 1831, in like Manner as former Treasurer might have done.

That it shall and may be lawful to and for the Treasurer of the said County of *Clare* now or for the Time being, and he is hereby authorized and required, to issue his Warrants for levying and collecting the Sums to be raised under the several Presentments made at the Assizes held in and for the County of *Clare* in the Month of *March* One thousand eight hundred and thirty-one, Copies whereof may have been delivered to the former Treasurer of the said County; and that such Warrants shall be alike valid and obligatory on all Persons and to all Intents and Purposes as if the same had been issued by such former Treasurer; and that the several Sums directed to be raised under such Warrants of the Treasurer of the said County now or for the Time being shall be collected, raised, levied, and accounted for in like Manner, and applied by such Treasurer to the same Uses and Purposes, as the same might or ought to have been if such Monies had been raised and levied under the Warrants of the former Treasurer of the said County of *Clare* pursuant to the Provisions of the said recited Act; and all Securities for the safe Custody or Application of any County Monies entered into or which may be entered into by such Treasurer now or for the Time being, and any and every other Person, shall extend to and comprise the Monies raised or to be raised under the Warrants of such Treasurer now or for the Time being, issued pursuant to the Provisions of this Act.

Securities of Treasurer and other Persons to extend to Monies raised under this Act.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXVIII.

An Act to apply the Surplus of Ways and Means and a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-one. [27th *September* 1831.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-one, the Sum of Ninety-three thousand five hundred and sixty-one Pounds Seventeen Shillings and Three Farthings, being the Surplus of the Ways and Means granted for the Service of the Years One thousand eight hundred and twenty-three, One thousand eight hundred and twenty-five, One thousand eight hundred and twenty-six, One thousand

There shall be applied, for the Service of the Year 1831, 93,561*l.* 17*s.* $0\frac{3}{4}$*d.* Surplus of Ways and Means; and also 8,000,000*l*

out of the Consolidated Fund.

sand eight hundred and twenty-seven, One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, and One thousand eight hundred and thirty; and also the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3 c. 1.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses and Provisions had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bills to be placed as so much Cash in the Exchequer;

V. And be it further enacted, That the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer Bills as shall be made out in pursuance of this Act to be placed, as so much Cash, in the respective Offices of the Tellers of the Receipt of His Majesty's Exchequer at *Westminster*, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively as so much Cash; any Law or Usage to the contrary notwithstanding.

and may be applied by the Treasury.

VI. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash, according to the Course of the Receipt of the Exchequer at *West-*

minster, and shall be taken and esteemed as so much in part of the Remains in Real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to issue unto such Person or Persons as shall be named in the said Warrant, out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VIII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary thereof notwithstanding.

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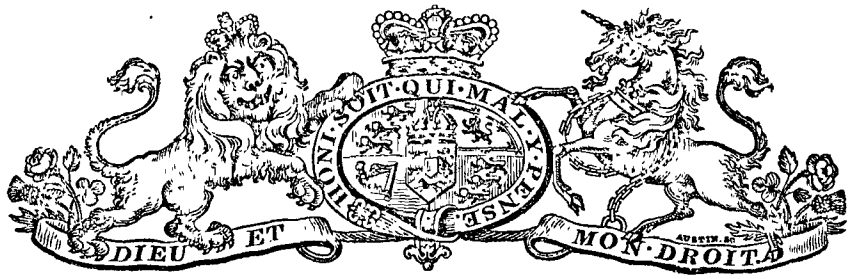

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXIX.

An Act to authorize and empower the Commissioners appointed by an Act of the Seventh Year of His late Majesty King *George* the Fourth, for extending to *Charing Cross*, the *Strand*, and Places adjacent the Powers of an Act for making a more convenient Communication from *Mary-le-bone Park*, to make and form a new Street from the *Strand* to *Charles Street, Covent Garden*, and to widen the North End of *Bow Street* into *Long Acre*; and for other Purposes.

[27th *September* 1831.]

WHEREAS an Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making a more convenient Communication from* Mary-le-bone Park, *and the Northern Parts of the Metropolis, in the Parish of* Saint Mary-le-bone, *to* Charing Cross, *within the Liberty of* Westminster; *and for making a more convenient Sewage for the same;* and by the same Act the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues were appointed Commissioners for carrying the Purposes thereof into execution: 53G.3. c.121.

execution: And whereas by an Act passed in the Seventh Year of
7 G. 4. c. 77. the Reign of His late Majesty King *George* the Fourth, intituled *An Act to extend to* Charing Cross, *the* Strand, *and Places adjacent, the Powers of an Act for making a more convenient Communication from* Mary-le-bone Park; *and to enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Site of* Carlton Palace, it was enacted that the Commissioners named and appointed in and by the said Act of the Fifty-third Year of the Reign of His said late Majesty King *George* the Third should be and they were thereby authorized and empowered to make the several Improvements and Alterations therein mentioned, and to carry the Purposes of the said Act into execution in manner hereinafter mentioned: And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, inti-
9 G. 4. c. 70. tuled *An Act to alter and enlarge the Powers of an Act passed in the Seventh Year of the Reign of His present Majesty, for extending to* Charing Cross, *the* Strand, *and Places adjacent, the Powers of an Act for making a more convenient Communication from* Mary-le-bone Park, *and for enabling the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Site of* Carlton Palace; *and for other Purposes relating thereto:* And whereas it would be a great Accommodation to the Public, and be the Means of opening a more ready Communication from the *Strand* to the Northern Parts of the Metropolis, if the Commissioners named and appointed in and by the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth were authorized to make and form a new Street, commencing on the North Side of the *Strand* opposite *Wellington Street*, and extending from thence to *Charles Street, Covent Garden*, which said Street will pass through or into the Parishes of *Saint Mary-le-Strand, Saint Clement Danes, Saint Paul Covent Garden*, and *Saint Martin-in-the-Fields*, within the Liberty of *Westminster* in the County of *Middlesex*; and also to alter and improve *Bow Street*, by widening the North End thereof into *Long Acre*, in the said several Parishes of *Saint Paul Covent Garden* and *Saint Martin-in-the-Fields* aforesaid: But as such Improvements cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall be and they are hereby authorized and empowered to form and make the said new Street, Alterations, and Improvements herein-before mentioned, and to carry the Purposes of this Act into execution in manner herein-after mentioned; and all Acts, Matters, and Things authorized and necessary to be done and executed by the said Commissioners, in pursuance of this Act, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said Commissioners.

Commissioners of His Majesty's Woods, &c. authorized to carry this Act into execution.

Map or Plan of the Street to be deposited at the Office of the Commissioners of Woods, &c. and be open to Inspection.

II. And whereas a Map or Plan describing the Lines of the Street and the Ground and Premises through which the proposed Alterations and Improvements are to be made or carried by virtue of this Act, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Premises, have been made for the Purpose of being deposited at the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues; be it therefore enacted, That the said Map or Plan and Book of Reference, after the same shall have been authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall be deposited with and shall remain in the Custody of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and one Copy thereof, signed by the Speaker of the House of Commons, shall be deposited in the Parliament Office, and one other Copy, so signed, shall be deposited with the Clerk of the Peace of the City and Liberty of *Westminster*, within Three Months from the passing of this Act, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Extracts or Copies thereof at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Commissioners for executing this Act, and for making the said Alterations and Improvements, shall not deviate between the *Strand* and *Charles Street* more than Twelve Statute Feet, nor in any other Place more than Twenty Yards of Three Feet each, from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Limiting any Deviation from the Plan.

Lands and Premises described in the Plan may be used, notwithstanding Errors in the Book of Reference.

III. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to make the said proposed Street, Alterations, and Improvements, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is, are, or may be Owner or Owners of the Land or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Middlesex*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Commissioners empowered to make the Street, and to stop up Carriageways whilst the same is making.

IV. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, by and with the Consent and Approbation in Writing of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, to cause the said Street, Alterations, and Improvements to be made, paved, and improved, into, through, across, or over the Lands and Premises

Premises described in such Map or Plan and Book of Reference, and in conformity to the Lines described in such Map or Plan, and to such Deviation therefrom as herein mentioned; and for such Purpose it shall be lawful for the said Commissioners acting in execution of this Act, and for their Surveyor or Surveyors, Officers, or Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Messuages or Tenements, Lands and Premises, through which or whereupon the said Street, Alterations, or Improvements hereby authorized to be made is or are intended to pass or be made, in such Manner as the said Commissioners acting in the Execution of this Act shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands and Premises, for the Damages that shall be thereby occasioned; and the said Commissioners acting in execution of this Act shall and they are hereby authorized and empowered, during the making of the said Alterations and Improvements, to stop up all or any Part of the Carriageways of the said Streets, and for that Purpose to put up sufficient Palisadoes, Bars, Posts, or other Erections, and to make such Orders regulating the Passage of all Carts, Carriages, and Horses through the same, as to them the said Commissioners shall seem fit and proper; and that the sole Power and Authority of paving, repairing, cleansing, lighting, and watching the said Street and new Ways which shall be made by virtue of this Act, shall, when the same shall be so made, be vested in, and such Street and Ways, for all the Purposes of paving, repairing, cleansing, lighting, and watching the same, shall be, remain, and continue under the Care, Management, Controul, and Jurisdiction of the respective Parishes to whom the same shall belong.

Commissioners empowered to purchase Lands and Buildings for the Purposes of this Act.

V. And be it further enacted, That for the Purpose of making the said Street, Alterations, and Improvements, it shall be lawful for the said Commissioners acting in the Execution of this Act, and they are hereby authorized and empowered, when they shall deem it necessary, by and with the Consent and Approbation in Writing of the said Lord High Treasurer, or of the said Commissioners for executing the said Office of Lord High Treasurer, or any Three or more of them, to treat and agree for the Purchase of any of the Houses, Buildings, Erections, Ground, Tenements, and Hereditaments described or comprised in the said Map or Plan and Book of Reference, or in such Deviation as herein-before mentioned, and of any subsisting Leases, Terms, Estates, and Interests therein or Charges thereon which the said Commissioners for executing this Act may, by and with such Consent and Approbation as aforesaid, deem necessary or expedient to be purchased for the Purposes of this Act: Provided always, that the said Commissioners shall not be compelled to purchase the whole of the Space coloured on the said Plan as being within the Powers of Purchase limited by this Act.

Limiting the Time for purchasing Houses, &c.

VI. And be it further enacted, That if the said Commissioners shall not within the Space of Three Years, to be computed from the passing of this Act, purchase or cause to be valued, as herein-after

mentioned, all and every such Houses, Buildings, Erections, Ground, Tenements, and Hereditaments which they are hereby authorized and empowered to purchase as aforesaid, and pay the Consideration Money, or Money awarded for the same respectively in manner directed by this Act, then and from thenceforth those Powers which are hereby granted to them for such Purpose only shall cease, determine, and be utterly void.

Powers and Provisions of 7 G. 4. c. 77. and 9 G. 4. c. 70. extended to this Act.

VII. And be it further enacted, That all the Powers, Provisions, Authorities, Regulations, Directions, Clauses, Penalties, Forfeitures, Matters, and Things in the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth contained, relating to the Purchase of any of the Houses, Buildings, Erections, Ground, Tenements, and Hereditaments, and of any subsisting Leases, Terms, Estates, and Interests therein, by that Act directed to be purchased, or for ascertaining the Value of any such Premises in case of any Refusal or Inability to treat, or for completing any such Purchase, or obtaining Possession of any such Premises, or any other Matter or Thing relating thereto; and all Powers, Provisions, and Authorities in and by the said recited Acts of the Seventh and Ninth Years of the Reign of His late Majesty given to the said Commissioners acting in execution of the said Acts, for selling, leasing, or exchanging any Houses, Buildings, Lands, Tenements, or Hereditaments of or belonging to His Majesty, His Heirs or Successors, in the said Acts mentioned, shall, as far as the same are applicable or can be applied, extend and be construed to extend to this present Act, in such Manner as that the Commissioners acting in execution of the said recited Act of the Seventh Year of the Reign of His late Majesty as aforesaid shall be enabled to make the Alterations and Improvements herein-before directed to be made, and shall have all Facilities and Advantages for enabling them to make the same, as fully, amply, and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Regulations, Directions, Clauses, Penalties, Forfeitures, Matters, and Things were particularly repeated and re-enacted in this present Act with reference to the said Alterations and Improvements, and as if such Alterations and Improvements had been included in and authorized to be made and done by the said last-mentioned Act.

Part of the Court or Passage called Gloucester Court, on the East Side of St. James's Street, to cease to be a Public Way.

VIII. And whereas a certain Court or Passage called *Gloucester Court*, situate on the East Side of *Saint James's Street*, in the Parish of *Saint James* within the Liberty of *Westminster* in the County of *Middlesex*, adjoining to Freehold Property belonging to His Majesty, is now used as a public Thoroughfare from *Saint James's Street* into *Crown Court*, and from thence into *King Street* in the Parish of *Saint James* aforesaid: And whereas in consequence of the Improvements now making by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Powers and Provisions of the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, by widening the Communication between *Saint James's Street* and *King Street* aforesaid, the greater Portion of the said Court called *Gloucester Court* has become unnecessary as a

public Thoroughfare; and it is desirable that such Part of the Soil and Freehold of the said Court should be vested in His Majesty, His Heirs and Successors, freed and discharged from all public or other Rights of passing or repassing over the same: Now therefore it is hereby further enacted, That the said Court or Passage called *Gloucester Court*, except so much and such Part of the Eastern End thereof as may be necessary for a Way or Passage from *Crown Court* to the Offices belonging to a Messuage or Dwelling House in the Occupation of *John Dingwall* Esquire, shall henceforth for ever hereafter cease to be a public Way or Passage, and that the Soil and Freehold of the said Court or Passage (except as aforesaid) shall from henceforth be vested in His Majesty, His Heirs or Successors, freed and discharged from all public and private Right of passing and repassing over and along the same; and that the said Court or Passage, and the Site, Soil, and Freehold thereof, (except as aforesaid,) shall be liable to be sold, exchanged, leased, or disposed of by the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, in such and the like Manner as any other Estates or Possessions of the Crown under their Care and Management.

IX. And whereas by an Act passed in the Forty-sixth Year of the
46G.3. c.89. Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating and rendering more effectual the several Acts for the Purchase of Buildings and further Improvement of the Streets and Places near to* Westminster Hall *and the Two Houses of Parliament*, certain Commissioners were appointed and authorized to be appointed for carrying the Purposes of the said Act into execution: And whereas an Act was passed in the Forty-eighth Year of the Reign
48G.3. c.137. of His said late Majesty King *George* the Third, intituled *An Act to amend and enlarge the Powers of an Act of the Forty-sixth Year of His present Majesty, for consolidating and rendering more effectual the several Acts for the Purchase of Buildings and further Improvement of the Streets and Places near to* Westminster Hall *and the Two Houses of Parliament*: And whereas by an Act passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the
54G.3. c.154. Third, intituled *An Act for further amending and enlarging the Powers of an Act of the Forty-sixth Year of His present Majesty, intituled* '*An Act for consolidating and rendering more effectual the several Acts for the Purchase of Buildings and further Improvement of the Streets and Places near to* Westminster Hall *and the Two Houses of Parliament*,' *and for other Purposes therein mentioned*, it was amongst other Things enacted, that in case the Piece or Parcel of Ground situate, lying, and being on the West Side of *Little George Street*, the North Side of *Bow Street* at the Back of the new Court House, and the South Side of *Prince's Mews*, containing in Length from East to West, as well on the North as the South Side, One hundred and two Feet and Six Inches, little more or less, and from North to South, as well on the East as the West Side, Seventy Feet Six Inches, little more or less, should at any Time thereafter be purchased by the said Commissioners of the said Act of the Forty-sixth Year aforesaid, in pursuance of the Powers contained in the said Acts of the Forty-

sixth and Forty-eighth Years aforesaid, or either of them, it should and might be lawful to and for the Lord High Treasurer, or the Commissioners for executing the said Office of Lord High Treasurer, for the Time being, or any Three or more of them, at any Time or Times after the Purchase or Purchases last mentioned should have been made, and notwithstanding any Act or Acts of Parliament then in force to the contrary, by Indenture or Indentures, to be inrolled in one of His Majesty's Courts of Record at *Westminster*, to grant or demise all or any Part or Parts of the said last-mentioned Piece or Parcel of Ground to the Patron, President, and Vice-Presidents for the Time being of the School commonly called, or intended to be called, "The *Westminster* National Free School," and their Successors, for any Term or Terms of Years not exceeding Ninety-nine Years from the Date or respective Dates thereof, at a Peppercorn Rent during the whole of the Term or Terms of Years thereby to be granted, and under and subject to such Covenants for building and keeping in repair, and insuring from Loss or Damage by Fire, and such other Covenants, Conditions, Restrictions, and Agreements, as the Lord High Treasurer, or the Commissioners for executing the said Office of Lord High Treasurer, for the Time being, or any Three or more of them, should approve; provided nevertheless, that every such Grant or Lease should be on the Face of it expressed to be made in Trust for the Purposes of the said *Westminster* National Free School, and that a Proviso should be therein inserted for making void the same respectively in the Event of the Ground therein to be comprised, and the Buildings to be erected thereon, or any of them, or any Part thereof, being used for any Purpose or Purposes whatsoever unconnected with the said School; and it was thereby further enacted, that the Patron, President, and Vice-Presidents for the Time being of the said School should be and they were thereby constituted a Corporation, by the Name of "The Patron, President, and Vice-Presidents of the *Westminster* National Free School," in order to enable them to accept and take in a Corporate Capacity, by the Name aforesaid, the Grant or Grants, Lease or Leases therein-before authorized to be granted, and to execute a Counterpart or Counterparts thereof, and for other Purposes of the said School; and by that Name, for the Purposes aforesaid, they should and might have and use a Common Seal, and might sue and be sued, implead and be impleaded; but nothing in the said Act, or in such Grant or Grants, Lease or Leases, contained or to be contained, should extend to charge the Person or Persons of him or them, or of his or their Heirs, Executors, or Administrators, or his or their or any of their own proper Lands or Tenements, Goods or Chattels, with the Performance of all or any of the Covenants, Conditions, or Agreements in the same Grant or Grants, Lease or Leases, or any of them, to be contained; but all and every such Action and Actions, Suit and Suits, as should be brought or prosecuted for or in respect of the same Covenants, Conditions, and Agreements, or any of them, should be brought or prosecuted against the said Patron, President, and Vice-Presidents, and their Successors, for the Time being, in their Corporate Capacity: And whereas the said Piece or Parcel of Ground mentioned and described in the said recited Act of the Fifty-fourth

Year

Year of the Reign of His late Majesty King *George* the Third, as aforesaid, was soon after the passing of the said Act purchased by the said Commissioners acting in execution of the said recited Act of the Forty-sixth Year aforesaid, and the Patron, President, and Vice-Presidents of the *Westminster* National Free School were thereupon let into Possession of the said Piece or Parcel of Ground situated between the *Westminster* Court House and *Prince's Mews*, and have since erected and built thereon a Building or School called "The *Westminster* National Free School," and on a small Piece or Parcel of Crown Land on the North Side thereof, and adjoining thereto, a Dwelling House, for the Residence of a Master or Mistress to such School; which said Building, School, and Dwelling House have been ever since the Completion thereof appropriated and used as and for the Purposes of the Education of the Children of the Poor; but no Lease has ever been granted to the said Patron, President, and Vice-Presidents of the *Westminster* National Free School in pursuance of the said recited Act of the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third as aforesaid: And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty
7 G. 4. c. 78. King *George* the Fourth, intituled *An Act to vest in the Commissioners of His Majesty's Woods, Forests, and Land Revenues the Powers of several Acts for the Improvement of the Streets near* Westminster Hall *and the Houses of Parliament, and to authorize the Conversion of the Pavements in several Parts of the Metropolis into broken Stone Roads*, after reciting (amongst other Things) the several herein-before recited Acts of Parliament, it was enacted that all the several Powers and Authorities given by the said Acts therein-before recited, to the said Commissioners appointed or to be appointed under and by virtue of the said recited Act of the Forty-sixth Year of the Reign of His said then late Majesty, should, from and after the passing of the now-reciting Act, be transferred to the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and be vested in the said last-mentioned Commissioners, in as full, ample, and beneficial a Manner, to all Intents and Purposes, for the carrying into effect the Objects of the said recited Acts, as the same were then vested in the said Commissioners appointed under or by virtue of the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty; and the said Powers and Authorities should, as to any Exercise thereof by the said Commissioners appointed or to be appointed by the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty, from and after the passing of the now-reciting Act, cease, determine, and be void, except as to any Matter or Thing which might have been done or contracted to be done by the said last-mentioned Commissioners, in virtue thereof, before the passing of the now-reciting Act; any thing in the said recited Acts, or any of them, to the contrary thereof in anywise notwithstanding; and it was thereby further enacted that all the several Provisions in the said therein-before recited Acts contained, and thereby made applicable to the said Commissioners appointed or to be appointed under or by virtue of the said recited Act of the Forty-sixth Year of the Reign of His said then late Majesty, should, from and after the passing of the now-reciting Act, apply to the said Commissioners

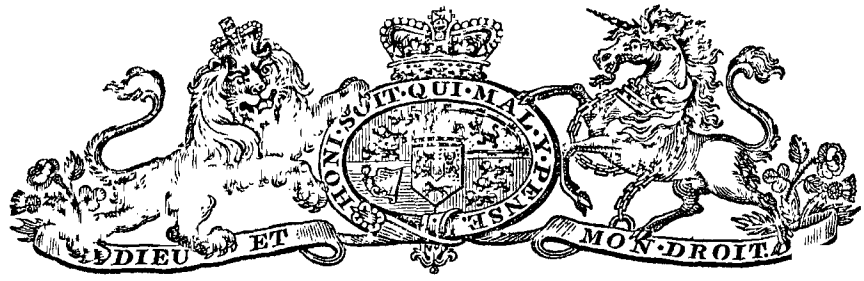
sioners of His Majesty's Woods, Forests, and Land Revenues, in the same Manner, to all Intents and Purposes, as they would have done in case the said last-mentioned Commissioners had been named in the said recited Acts, instead of the said Commissioners appointed or to be appointed under or by virtue of the said recited Act of the Forty-sixth Year of the Reign of His said then late Majesty: And whereas the Income of the said *Westminster* National Free School, depending in a great measure on voluntary annual Contributions, has become insufficient to meet its Expences, and it has therefore been proposed by the National Society for the Education of the Poor in the Principles of the Established Church to establish the said *Westminster* National Free School as the central or chief School of the said National Society, in order that the Children in the Neighbourhood of the *Westminster* National Free School may lose no Part of the Education hitherto received by them in the said School: And whereas the Patron, President, and Vice-Presidents of the *Westminster* National Free School, being desirous that the Proposal of the said National Society should be carried into effect, have applied to and requested the Commissioners of His Majesty's Woods, Forests, and Land Revenues to make and grant a Lease or Leases of the said Two Pieces or Parcels of Ground, with the Building or School and Dwelling House so erected thereon respectively as aforesaid, to the said National Society; be it therefore enacted, That it shall and may be lawful to and for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, by and with the Consent and Approbation of the Commissioners of His Majesty's Treasury, or any Three or more of them, at any Time or Times hereafter, and notwithstanding any Act or Acts now in force to the contrary, to grant or demise the said Piece or Parcel of Ground, with the Building or School and Dwelling House thereon erected and built, to "The National Society for the Education of the Poor in the Principles of the Established Church," and their Successors, for any Term or Terms of Years not exceeding Ninety-nine Years, to be computed from the Twenty-fourth Day of *June* last, at a Peppercorn Rent for and in respect of the said Piece or Parcel of Ground on which the said Building or School is erected and built as aforesaid, and at the yearly Rent of One Pound Fifteen Shillings for and in respect of the said Piece or Parcel of Ground on which the said Dwelling House is erected and built as aforesaid, payable to His Majesty, His Heirs and Successors, during the whole of the Term or Terms of Years thereby to be granted, and under and subject to such Covenants for keeping in repair, and insuring from Loss or Damage by Fire, and such other Covenants, Conditions, Restrictions, and Agreements as the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall approve: Provided nevertheless, that every such Grant or Lease be on the Face of it expressed to be made in Trust for the Purposes of the said National Society, and that a Proviso be therein inserted for making void the same respectively in the Event of the Ground therein to be comprised, and the Buildings erected thereon, or any of them, or any Part thereof, being used for any Purpose or Purposes whatsoever unconnected with the said National Society.

Commissioners, with Consent of Treasury, may grant a certain Piece of Ground to the National Society for the Education of the Poor.

Saving the Powers of the Commissioners of Sewers.

X. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*; but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXX.

An Act to equalize the Duties on Wine.

[5th *October* 1831.]

WHEREAS it is expedient that the several Duties imposed by or payable under or by virtue of any Statute or Statutes now in force, on the Importation of Wine, should cease and determine, and that other and more equal Duties should be imposed in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Nineteenth Day of *July* One thousand eight hundred and thirty-one all the said Duties imposed by or payable under or by virtue of the said Statutes upon the Importation of Wine, and all Drawbacks mentioned in the said Statutes upon the Exportation of Wine, shall be and the same are hereby repealed. Duties on Wine repealed.

II. And be it further enacted, That from and after the said Nineteenth Day of *July* One thousand eight hundred and thirty-one, in lieu of the Duties and Drawbacks hereby repealed, there shall be raised, levied, collected, and paid unto His Majesty, upon all Wine imported into the United Kingdom, the several Duties as the same are respectively set forth in the Table herein-after contained; and there shall be allowed upon the Exportation of Wine the several Drawbacks New Duties and Drawbacks.

Drawbacks as the same are respectively set forth in the said Table; (that is to say,)

TABLE of DUTIES and DRAWBACKS.

	Duties.			Drawbacks.		
WINE; videlicet,	£	s.	d.	£	s.	d.
——— The Produce of the Cape of Good Hope, or of the Territories or Dependencies thereof, and imported directly from thence; videlicet,						
- - - - - - - - - - - - the Gallon - -	0	2	9	0	2	9
——— All other Wine, the Gallon - - -	0	5	6	0	5	6

Regulating Collection of Duties.

III. And be it further enacted, That the several Duties made payable by this Act shall be raised, levied, collected, and paid unto His Majesty, and be appropriated, and the several Drawbacks granted by this Act shall be allowed, in like Manner as if the same had been imposed or granted by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for granting Duties of Customs.*

Drawback of 1*s.* 9*d.* per Gallon allowed on French Wine in Stock between the 19th and the 27th of July 1831.

IV. And be it further enacted, That it shall be lawful for the Commissioners of Excise, for and in behalf of the Commissioners of Customs, to pay or cause to be paid to licensed Dealers in Foreign Wines, for every Gallon of *French* Wine (reckoning Six reputed Quart Bottles to the Gallon for such as shall be in Bottle) for which the Duties repealed by this Act shall have been paid, and which shall have been in the Stock and shall have been the sole Property of such Dealers respectively at any Time between the Nineteenth Day of *July* One thousand eight hundred and thirty-one and the Twenty-seventh Day of *July* One thousand eight hundred and thirty-one, an Allowance at and after the Rate of One Shilling and Nine-pence for every Gallon of such Wine; and that all such Allowances shall be paid in the first instance out of Monies arising from the Duties of Excise, upon such Proof of the Existence of such Stock and of such Property therein, and in such Manner, and under such Restrictions and Regulations, as the Commissioners of Excise shall direct; and the Sums so paid shall be afterwards repaid to the Commissioners of Excise by the Commissioners of Customs out of Monies arising from the Duties of Customs.

Penalty for Offences against this Act.

V. Provided always, and be it enacted, That if any Person shall do or cause to be done any Act or Thing which shall be forbidden to be done, or shall neglect or omit to do any Act or Thing which shall be required to be done by such Restrictions and Regulations, or any of them, with Intent to deceive the Officers of the Revenue, and thereby to obtain any Allowance or Return of Duty granted, allowed, or made payable by this Act, to which any Person would not be justly entitled under or according to such Restrictions and Regulations, every Person so offending shall for every such Offence forfeit and lose the Sum of Five hundred Pounds, to be sued for, recovered, mitigated, and applied in like Manner as any other Penalty imposed

under any Act or Acts of Parliament in force relating to the Revenue of Excise.

Increased Duty payable on Wine in the Stock of any licensed Dealer on and after the 20th July 1831.

VI. And be it further enacted, That the increased Amount of Duty on all Wine other than *French* Wine, made payable by this Act as on and after the Twentieth Day of *July* One thousand eight hundred and thirty-one, is and shall be due and payable on all such Wine as shall have been found in the Stock of any licensed Dealer on the first actual Survey, on or after the said Twentieth Day of *July* One thousand eight hundred and thirty-one, or shall have been subsequently received into such Stock without Payment of such increased Duty in respect of the same; and that such Duty upon Stock as aforesaid shall be payable to the Commissioners of Excise, to be afterwards paid over to the Commissioners of Customs; and that such Duties shall be levied or recovered by the Commissioners of Excise by such Ways, Means, and Methods as any Duties of Excise may and can be levied and recovered under any Law or Usage in force relating to the Duties of Excise.

Power to add additional Duties to Price of Wine contracted for before additional Duties imposed.

VII. And whereas Contracts or Agreements may have been made for the Sale or Delivery of Wine on which the increased Duties charged by this Act may become payable, which Contracts or Agreements have no Reference to such additional Duties, and thereby the several Contractors may be materially affected; for Remedy thereof, be it further enacted, That all and every Person or Persons who shall or may have made or entered into any such Contracts or Agreements shall and they are hereby respectively authorized and empowered, in the Case of any such Contracts or Agreements, to add so much Money as will be equivalent to the said additional Duties respectively to the Price of such Wine, and shall be entitled by virtue of this Act to be paid for the same accordingly.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXI.

An Act to improve the Administration of Justice in *Ireland*. [5th *October* 1831.]

WHEREAS by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the more effectual Administration of Justice in* England *and* Wales, and also by an Act passed in the last Session of Parliament, intituled *An Act to amend an Act of the last Session, for the better Administration of Justice, so far as relates to the Essoign and General Return Days of each Term, and to substitute other Provisions in lieu thereof, and to declare the Law with regard to the Duration of the Terms in certain Cases*, certain specific Days are fixed for the Commencement and Termination of each of the Law Terms respectively in that Part of the United Kingdom called *England*, and other Regulations are made for the Purpose of facilitating Proceedings in certain Actions; and it is expedient that similar Provisions should be made with respect to *Ireland*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Year of our Lord One thousand eight hundred and thirty-two, and afterwards, *Hilary* Term shall begin on the Eleventh and end on the Thirty-first Day of *January*; *Easter* Term shall begin on the Fifteenth Day of *April* and end on the Eighth Day of *May*; *Trinity* Term shall begin on the Twenty-second Day of *May* and end on the Twelfth Day of *June*; and *Michaelmas* Term shall begin on the Second and end on the Twenty-fifth Day of *November*; and that in case any Day heretofore mentioned for the Commencement or the End of any Term shall happen to fall on a *Sunday*, then the *Monday* next after such Day shall be deemed and taken to be the first or last Day of Term respectively; provided that if the whole or any Number of the Days intervening between the *Thursday* before and the *Wednesday* next after *Easter Day* shall fall within *Easter* Term, such Days shall be taken to be a Part of such Term, but there shall not be any Sitting in Banc on any of such intervening Days, and the Term shall in such

1 W. 4. c. 70.

1 W. 4. c. 3.

Alteration of Terms.

Case be prolonged and continue for such Number of Days of Business as shall be equal to the Number of intervening Days before mentioned, exclusive of *Easter Day*, and the Commencement of the ensuing *Trinity* Term shall in such Case be postponed, and its Continuance prolonged for an equal Number of Days of Business.

When Writs to be returnable.

II. And be it enacted, That all Writs now usually returnable before any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer in *Ireland* respectively on General Return Days, that shall be made returnable after the First Day of *January* One thousand eight hundred and thirty-two, may be made returnable on the Third Day exclusive before the Commencement of each Term, or on any Day, not being *Sunday*, between that Day and the Third Day exclusive before the last Day of Term; and the Day for Appearance shall as heretofore be the Third Day after such Return exclusive of the Day of the Return, or in case such Third Day shall fall on a *Sunday*, then on the Fourth Day after such Return exclusive of such Day of Return.

Limitation of Time for Nisi Prius Sittings.

III. And be it further enacted, That when the Alteration of the Terms herein-before mentioned shall take effect, not more than Twenty-four Days, exclusive of *Sundays*, after any *Hilary*, *Trinity*, and *Michaelmas* Term, nor more than Six Days, exclusive of *Sundays*, after any *Easter* Term, to be reckoned consecutively immediately after such Terms, shall be appropriated to Sittings in *Dublin* for the Trial of Issues of Fact arising in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer; provided that if any Trial at Bar shall be directed by any of the said Courts, it shall be competent to the Judges of such Court to appoint such Day or Days for the Trial thereof as they shall think fit; and the Time so appointed, if in Vacation, shall for the Purpose of such Trial be deemed and taken to be a Part of the preceding Term: Provided also, that a Day or Days may be specially appointed at any Time, not being within such Twenty-four Days or Six Days respectively, for the Trial of any Cause at Nisi Prius, with the Consent of the Parties thereto, their Counsel or Attornies.

Judgments to be pronounced in all Trials for Felonies upon Record during the Sittings, save as herein excepted.

IV. And be it further enacted, That upon all Trials for Felonies or Misdemeanors upon any Record of the Court of King's Bench Judgment may be pronounced during the Sittings or Assizes by the Judge before whom the Verdict shall be taken, as well upon any Person who shall have suffered Judgment by Default or Confession upon the same Record, as upon any Person who shall be tried and convicted, whether any such Person respectively be present or not in Court, excepting only where the Prosecution shall be by Information filed by Leave of the Court of King's Bench, or such Cases of Information filed by His Majesty's Attorney General wherein the Attorney General shall pray that the Judgment may be postponed; and the Judgment so pronounced shall be indorsed upon the Record of Nisi Prius, and afterwards entered upon the Record in Court, and shall be of the same Force and Effect as a Judgment of the Court, unless the Court shall within Six Days after the Commencement of the ensuing Term grant a Rule to show Cause why a new Trial should not be had or the Judgment amended; and it shall be lawful for the Judge before whom the Trial shall be had,

either to issue an immediate Order or Warrant for committing the Defendant in Execution, or to respite the Execution of the Judgment, upon such Terms as he shall think fit, until the Sixth Day of the ensuing Term, and in case Imprisonment shall be Part of the Sentence, to order the Period of Imprisonment to commence on the Day on which the Party shall be actually taken to and confined in Prison.

Judges may make Rules relative to the Practice of all the Courts.

V. And be it further enacted, That in all Cases relating to the Practice of any of the Courts of King's Bench, Common Pleas, or Exchequer, in Matters over which the said Courts have a common Jurisdiction, or of or relating to the Practice of the Court of Error, it shall be lawful for the Judges of the said Courts jointly, or any Nine or more of them, including the Chief of each Court, to make general Rules and Orders for regulating the Proceedings of all the said Courts, which said Rules and Orders so made shall be observed in all of the said Courts; and no general Rule or Order respecting such Matters shall be made in any Manner except as aforesaid.

Justification of Bail before Judge in Chambers.

VI. And be it further enacted, That Bail may be justified before a Judge in Chambers, or in some other convenient Place to be by him appointed, as well in Term as in Vacation, and whether the Defendant is actually in Custody or not.

Render in Discharge of Bail, Defendant not being in Custody.

VII. And be it further enacted, That a Defendant who shall have been held to Bail upon any Mesne Process issued out of any of His Majesty's Superior Courts of Record may be rendered in Discharge of his Bail, either to the Prison of the Court out of which such Process issued, according to the Practice of such Court, or to the Common Gaol of the County in which he was so arrested; and the Render to the County Gaol shall be effectual in the Manner following; (that is to say,) the Defendant or his Bail, or One of them, shall for the Purpose of such Render obtain an Order of a Judge of One of His Majesty's Superior Courts of *Dublin*, and shall lodge such Order with the Gaoler of such County Gaol, and a Notice in Writing of the Lodgment of such Order, and of the Defendant's being actually in Custody of such Gaoler by virtue of such Order, signed by the Defendant or the Bail, or either of them, or by the Attorney or Agent of any or either of them, shall be delivered to the Plaintiff's Attorney or Agent; and the Sheriff or other Person responsible for the Custody of Debtors in such County Gaol shall on such Render so perfected be duly charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

Render in Discharge of Bail, where Defendant is in Custody.

VIII. And be it further enacted, That a Defendant who shall hereafter be in Custody of the Gaoler of the Gaol of any County, or County of a City, or County of a Town, by virtue of any Proceeding out of any of His Majesty's Superior Courts of Record, may be rendered in Discharge of his Bail in any other Action depending in any of the said Courts in the Manner herein-before provided for a render in Discharge of Bail; and the Keeper of such Gaol, or the Sheriff or other Person responsible for the Custody of Debtors as aforesaid, shall on such Render be duly charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

IX. And

Times of holding Quarter Sessions.

IX. And be it enacted, That in the Year of our Lord One thousand eight hundred and thirty-two, and afterwards, the General or Quarter Sessions of the Peace in and for every County (save and except the County of *Cork*) shall be held at the following Times; (that is to say,) the *Easter* Sessions on any of the Fourteen Days next after the Twenty-fifth Day of *March*; the Summer Sessions on any Day between the Fourth Day and the Twelfth Day next after the last Day of *Trinity* Term, both Days inclusive; the *October* Sessions on any of the Fourteen Days next after the Eighth Day of *October*; and the *Hilary* Sessions on any of the Fourteen Days next after the Twenty-sixth Day of *December*; and that all Acts, Matters, and Things done, performed, and transacted at the Times appointed by this Act for the holding of the General or Quarter Sessions of the Peace shall be as valid and binding to all Intents and Purposes as if the same had been done, performed, and transacted at General Quarter Sessions of the Peace holden at the Times by Law limited for the holding thereof before the passing of this Act.

Repeal of 1&2G.4.c.62.

X. And be it further enacted, That an Act passed in the First and Second Years of His late Majesty's Reign, intituled *An Act to regulate the Times for holding the General Sessions of the Peace in the several Counties in* Ireland, shall be and the same is hereby repealed.

Future Sessions to be appointed at the Hilary Sessions in 1832, and every subsequent Year.

XI. And be it enacted, That it shall and may be lawful for the Chairman of the County of *Dublin*, and the Assistant Barrister in each County (except the County of *Cork*), at the General or Quarter Sessions to be held in such County next before each *Hilary* Term, to fix and appoint the Times for holding the next Four Sessions, of which Times due Notice shall be posted by the Clerk of the Peace, as now by Law required to be done, on the First Day of *February* in each Year, and also Six Weeks before the Day of holding each Sessions.

Landlords to recover Possession of Lands, &c. after Notice of Ejectment.

XII. And whereas Landlords to whom a Right of Entry into or upon any Lands, Tenements, or Hereditaments may accrue during or immediately after *Hilary* and *Trinity* Terms respectively, are at present unable to prosecute Ejectments against their Tenants so as to try the same at the Assizes immediately ensuing, whereby much Delay is occasioned in the Recovery of the Possession of Lands and Tenements wrongfully withheld by Tenants against their Landlords; be it therefore enacted, That in all Actions of Ejectment hereafter to be brought in any of His Majesty's Courts at *Dublin*, by any Landlord against his Tenant, or against any Person claiming through or under such Tenant, for the Recovery of any Lands, Tenements, or Hereditaments, where the Tenancy shall expire or the Right of Entry into or upon such Lands, Tenements, or Hereditaments shall accrue to such Landlord in or after *Hilary* or *Trinity* Terms respectively, it shall be lawful for the Lessor of the Plaintiff in any such Action, at any Time within Ten Days after such Tenancy shall expire or Right of Entry accrue as aforesaid, to serve a Declaration in Ejectment, entitled of the Day next after the Day of the Demise in such Declaration, whether the same shall be in Term or in Vacation, with a Notice thereunto subjoined requiring the Tenant or Tenants in Possession to appear and plead thereto within Ten Days in the Court in which such Action may be brought; and Proceedings shall be had on such Declaration, and Rules to plead entered and given, in such

such and the same Manner, as nearly as may be, as if such Declaration had been duly served before the preceding Term: Provided always, that no Judgment shall be signed against the casual Ejector until Default of Appearance and Plea within such Ten Days, and that at least Six clear Days Notice of Trial shall be given to the Defendant before the Commission Day of the Assizes at which such Ejectment is intended to be tried; provided also, that any Defendant in such Action may at any Time before the Trial thereof apply to a Judge of either of His Majesty's Superior Courts, by Summons in the usual Way, for Time to plead, or for staying or setting aside the Proceedings, or for postponing the Trial until the next Assizes; and that it shall be lawful for the Judge, in his Discretion, to make such Order in the said Cause as to him shall seem expedient.

Declaration to be entitled specially.

XIII. And be it further enacted, That in making up the Record of the Proceedings of any such Declaration in Ejectment it shall be lawful to entitle such Declaration specially of the Day next after or any other Day after the Day of the Demise therein, whether such Day shall be in Term or in Vacation; and no Judgment thereupon shall be avoided or reversed only of such special Title.

Writs of Possession may issue on Judges Certificate, &c.

XIV. And be it further enacted, That in all Cases of Trials of Ejectment at Nisi Prius, when a Verdict shall be given for the Plaintiff, or the Plaintiff shall be nonsuited for Want of the Defendant's Appearance to confess Lease, Entry or Ouster, and where no Bill of Exception or written Objection signed by the Defendant's Counsel, or no Certificate of such Counsel that the Defendant has a good Defence in Equity, shall have been tendered to the Judge before whom the Cause shall be tried, it shall be lawful for such Judge to certify his Opinion on the Back of the Record that a Writ of Possession ought to issue immediately; and upon such Certificate a Writ of Possession may be issued forthwith, and the Costs may be taxed, and Judgment signed and executed afterwards at the usual Time, as if no such Writ had issued: Provided always, that such Writ, instead of reciting a Recovery by Judgment in the Form now in use, shall recite shortly that the Cause came on for Trial at Nisi Prius at such a Time and Place and before such a Judge (naming the Time, Place, and Judge,) and that thereupon the said Judge certified his Opinion that a Writ of Possession ought to issue immediately.

Writs of Inquiry returnable on any Day named in Writ.

XV. And be it enacted, That any Writ of Inquiry of Damages to be issued in or by any of the said Courts, by whatever Form of Process the Action may have been commenced, may be made returnable and be returned on any Day certain, in Term or Vacation, to be named in such Writ, and such Writ shall be as valid and effectual as if the same had been returnable according to the Course of the Common Law, and thereupon at the Return thereof a Rule for Judgment may be given, Costs taxed, final Judgment signed, and Execution issued forthwith, unless the Sheriff or other Officer before whom the same may be executed shall certify under his Hand upon such Writ that Judgment ought not to be signed until the Defendant shall have had an Opportunity to apply to the Court to set aside the Execution of such Writ, or One of the Judges of the said Courts shall think fit to order the Judgment to be stayed until a Day to be named in such Order: Provided always, that in case the signing of

Judgment on such Writ shall be postponed by reason of such Certificate or Order, or by the Choice of the Plaintiff, or otherwise, and Judgment shall afterwards be signed thereon, such Judgment shall be entered of Record as of the Day of the Return of such Writ, unless the Court shall otherwise direct; and provided always, that Notice of the holding of such Inquiry shall have been given to the Defendant, or if the Defendant shall have appeared by Attorney, to his Attorney in said Cause, Eight Days at least before the Execution of such Writ of Inquiry.

On Certificate of Judge, after Verdict or Nonsuit, Judgment and Execution may be entered forthwith.

XVI. And be it further enacted, That in all Actions brought in any of the said Courts, by whatever Form of Process the same may be commenced, it shall be lawful for the Judge before whom any Issue joined in such Action shall be to be tried, in case the Plaintiff or Demandant therein shall become Nonsuit, or a Verdict shall be given for the Plaintiff or Demandant, Defendant or Tenant, and when no Exception or legal Objection in Writing, and signed by Counsel, shall be taken to the Opinion of such Judge, to certify under his Hand on the Back of the Record, at any Time before the End of the Sittings or Assizes, that in his Opinion Execution ought to issue in such Action forthwith, or at some Day to be named in such Certificate, and subject, or not, to any Condition or Qualification, and in case of a Verdict for the Plaintiff, then either for the Whole or for any Part of the Sum found by such Verdict; in all which Cases a Rule for Judgment may be given, Costs taxed, and Judgment signed forthwith, and Execution may be issued forthwith or afterwards, according to the Terms of such Certificate, on any Day in Vacation or Term; and the Postea, with such Certificate as a Part thereof, shall and may be entered of Record as of the Day on which the Judgment shall be signed, although the Writ of Distringas Juratores, or Habeas Corpora Juratorum, may not be returnable until after such Day: Provided always, that it shall be lawful for the Party entitled to such Judgment to postpone the signing thereof.

Judgment so signed may be recorded as the Judgment of the Court;

but the Court may order it to be vacated.

XVII. And be it further enacted, That every Judgment to be signed by virtue of this Act may be entered and recorded as the Judgment of the Court wherein the Action shall be depending, although the Court may not be sitting on the Day of the signing thereof; and every Execution issued by virtue of this Act shall and may bear Teste on the Day of issuing thereof; and such Judgment and Execution shall be as valid and effectual as if the same had been signed and recorded and issued according to the Course of the Common Law: Provided always, that notwithstanding any Judgment signed or recorded or Execution issued by virtue of this Act, it shall be lawful for the Court in which the Action shall have been brought to order such Judgment to be vacated and Execution to be stayed or set aside, and to enter an Arrest of Judgment, or grant a new Trial or new Writ of Inquiry, as Justice may appear to require; and thereupon the Party affected by such Writ of Execution shall be restored to all that he may have lost thereby, in such Manner as upon the Reversal of a Judgment by Writ of Error, or otherwise, as the Court may think fit to direct.

Attendance of Taxing Officer.

XVIII. Provided always, and be it further enacted, That no Taxing Officer of any of the said Courts shall, for the Purpose of taxing

Costs on any Judgment to be signed by virtue of this Act, be compelled to attend at any Time between the last Day of *August* and the Twenty-first Day of *October* in any Year.

Repeal of 1&2G.4.c.59. s. 50. as to the Time for Discharge of Uncertificated Bankrupts.

XIX. And be it enacted, That so much of an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Relief of Insolvent Debtors in* Ireland, as enacts that no Prisoner against whom any Commission of Bankrupt shall have issued and shall remain in force, and who shall not have obtained a Certificate of his or her Conformity to the several Statutes concerning Bankrupts under such Commission, shall be entitled to be discharged by virtue of that Act from any Debt for which such Prisoner shall be detained in Custody, and which might have been proved under such Commission, unless such Prisoner shall have been detained in Prison for the Space of Three Years before the Time when such Prisoner shall apply for his or her Discharge under that Act, shall be and the same is hereby repealed.

Persons who have been declared bankrupt and not obtained their Certificates shall not be entitled the Benefit of this Act within Three Years, except in certain Cases.

XX. Provided always, and be it enacted, That no Person petitioning the Court for Relief of Insolvent Debtors for Relief under any Act relating to Insolvent Debtors in *Ireland*, who shall have been duly declared bankrupt before the Commencement of his or her Imprisonment under any Commission remaining in force, and shall not have obtained his or her Certificate under such Commission, shall be entitled to the Benefit of any such Act within the Space of Three Years after such Declaration of Bankruptcy, unless Three Fourths in Number and Value of the Creditors against whom such Person shall seek to be discharged by virtue of such Act or Acts shall signify their Assent to such Discharge, or it shall be made to appear to the Satisfaction of such Court, or of a Commissioner thereof on his Circuit, that such Person has since such Declaration of Bankruptcy endeavoured by Industry and Frugality to pay all just Demands upon him or her, and has incurred no unnecessary Expence, and that the Debts which such Person has incurred subsequent to such Declaration of Bankruptcy have been necessarily incurred for the Maintenance of such Person or his or her Family, or that the Insolvency of such Person has arisen from Misfortune, or from Inability to acquire Subsistence for himself or herself, and his or her Family.

Discharge may extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor.

XXI. And be it enacted, That the Discharge of any Prisoner under the Authority of any Act which now is or may hereafter be in force for the Relief of Insolvent Debtors shall and may extend to all Process issuing from any Court of Law or Equity for any Contempt of such Court for Nonpayment of Money or of Costs, Charges, or Expences in any such Court; and that in such Case such Discharge shall be deemed to extend to all Costs which such Prisoner shall be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every such Discharge as to any Debt or Damages of any Creditor of any such Prisoner shall be deemed to extend also to all Costs incurred by such Creditor before the filing of such Prisoner's Schedule in any Action or Suit brought by such Creditor against such Prisoner for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences any such Prisoner shall be so discharged, shall be deemed

and

and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefits of all the Provisions made for Creditors by any Act now in force or hereafter to be in force relating to Insolvent Debtors; subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as may be by any such Act provided in respect to Claims to a Dividend upon the Estate and Effects of such Insolvent.

Discharge of Insolvent where Process of Contempt is for Performance or Nonperformance of an Act.

XXII. And be it enacted, That in all Cases of Process of Contempt, whether for the Performance or Nonperformance of any Act or otherwise, where any Insolvent shall have cleared his Contempt except so far as regards the Payment of Costs, or where it has become unnecessary for such Insolvent to do the Act for the Nonperformance of which he shall have been committed or attached, the Court from which such Process shall have issued, or under the Order of which the Prisoner shall have been committed or attached, shall, upon the Application of such Prisoner, discharge him from the same, except as to the Costs thereof, for which he shall remain in Custody until discharged; and such Costs shall be deemed to be within the Provisions of the Acts for the Relief of Insolvent Debtors; and such Prisoner may be discharged therefrom, and from the Process of Contempt, as if the Commitment or Attachment had originally been for Nonpayment of Money or Costs.

Party aggrieved by any Decree of the Court of Conscience in Dublin may appeal to any Judge of the Supreme Courts.

XXIII. And whereas it is expedient that in certain Cases an Appeal should be allowed from the Decrees of the Court of Conscience of the City of *Dublin*; be it therefore enacted, That where any Decree or Order of said Court of Conscience shall be obtained in any Suit, for any Demand, Fee, Wages, or Sum of Money claimed by reason of any Office, Station, Place, or Employment in the Gift or Nomination of the Corporation of the City of *Dublin* or any Guild thereof, or of any Officer elected or appointed by the said Corporation or any Guild thereof, that in every such Case the Party aggrieved by such Decree or Order shall be entitled to appeal therefrom to the Chief or any Judge of any of His Majesty's Supreme Courts of Law in *Ireland* sitting at Nisi Prius at the Sittings of the City of *Dublin* next after such Decree or Orders made; and the said Appeal shall be made and proceeded on, and the Judge to whom such Appeal shall be made shall proceed with respect thereto, in the same Manner as Appeals from the Manor Courts in the City of *Dublin* are now made and proceeded on: Provided always, that nothing in this Act contained shall give or be construed to give to such Court of Conscience any Jurisdiction whatsoever in any Case which such Court did not possess before the passing of this Act.

Act may be altered, &c.

XXIV. And be it enacted, That this Act may be altered, amended, or repealed during this present Session.

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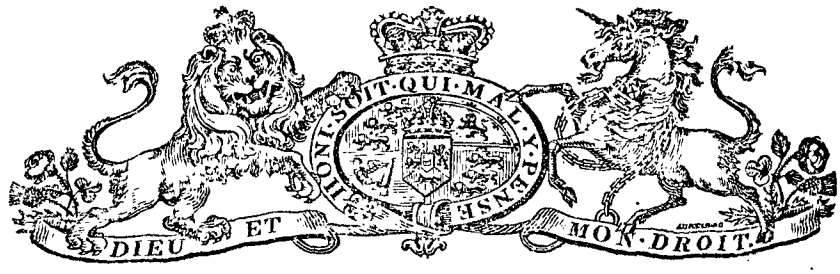

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXII.

An Act to amend the Laws in *England* relative to Game. [5th *October* 1831.]

WHEREAS it is expedient to repeal the following Statutes in that Part of the United Kingdom called *England*, relative to Game, and to substitute other Provisions in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of a Statute made in the Thirteenth Year of the Reign of King *Richard* the Second as relates to such Persons as shall not have or keep any Greyhound, Hound, or other Dog to hunt, and shall not use Fyrets, Heys, Nets, Hare-pipes, Cords, or other Engines to take or destroy Hares, Conies, or other Gentlemen's Game; and so much of a Statute made in the Twenty-second Year of the Reign of King *Edward* the Fourth as relates to the having any Mark or Game of Swans; and an Act passed in the Eleventh Year of the Reign of King *Henry* the Seventh, intituled *An Act against taking of Feasaunts and Partridges;* and an Act passed in the Nineteenth Year of the same Reign, intituled *De Laqueis et Retibus Venantium;* and an Act passed in the Fourteenth and Fifteenth Years of the Reign of King *Henry* the Eighth, intituled *An Act against tracing of Hares;* and an Act passed in the Twenty-fifth Year of the same Reign, intituled *An Act against Destruction of Wild Fowl;* and an Act passed in the Thirty-third Year of the same Reign, intituled *An Act concerning Cross Bows and Hand Guns;* and

Repeal of 13 Ric. 2. st. 1. c. 13.

22 Edw. 4. c. 6.

11 Hen. 7. c. 17.

19 Hen. 7. c. 11.

14 & 15 H. 8. c. 10.

25 Hen. 8. c. 11.

33 Hen. 8. c. 6.

and an Act passed in the Twenty-third Year of the Reign of Queen
23 Eliz. c. 10. *Elizabeth*, intituled *An Act for the Preservation of Pheasants and Partridges;* and an Act passed in the Second Year of the Reign
2 Jac. 1. c. 27. of King *James* the First, intituled *An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow;* and an Act passed in the Seventh Year
7 Jac. 1. c. 11. of the same Reign, intituled *An Act to prevent the Spoil of Corn and Grain by untimely hawking, and for the better Preservation of Pheasants and Partridges;* and an Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles* the Second,
22&23 Car. 2. c. 25. intituled *An Act for the better Preservation of the Game, and for securing Warrens not inclosed, and the several Fishings of this Realm;* and an Act passed in the Fourth Year of the Reign of King *William*
4 W. & M. c. 23. and Queen *Mary*, intituled *An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom;* and an Act passed in the Fifth Year of the Reign of Queen *Anne*, intituled
5 Ann. c. 14. *An Act for the better Preservation of the Game;* and an Act passed
9 Ann. c. 25. in the Ninth Year of the same Reign, intituled *An Act for making the Act of the Fifth Year of Her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual;* and an Act passed in the Eighth Year of the Reign of
8 G. 1. c. 19. King *George* the First, intituled *An Act for the better Recovery of the Penalties inflicted upon Persons who destroy the Game;* and an Act passed in the Tenth Year of the Reign of King *George* the
10 G. 2. c. 32. Second, intituled *An Act for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; and for continuing Two Clauses, to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hopbinds, contained in an Act passed in the Sixth Year of His present Majesty's Reign; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls or Banks, and of Persons maliciously setting on Fire any Mine, Pit, or Delph of Coal or Cannel Coal, and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers or other Officers in Forests, Chases, or Parks; and for more effectually securing the Breed of Wild Fowl;* and an Act passed in the Twenty-sixth Year
26 G. 2. c. 2. of the same Reign, intituled *An Act to amend an Act made in the Eighth Year of the Reign of His late Majesty King* George *the First, intituled 'An Act for the better Recovery of the Penalties 'inflicted upon Persons who destroy the Game,' by enlarging the Time within which Suits and Actions are to be brought by force of the said Act;* and an Act passed in the Twenty-eighth Year of the Reign
28 G. 2. c. 12. of King *George* the Second, intituled *An Act to explain and amend a Clause in an Act made in the Fifth Year of the Reign of Queen* Anne, *intituled 'An Act for the better Preservation of the 'Game,' in relation to the selling or offering to Sale any Game;* and an Act passed in the Second Year of the Reign of King *George*
2 G. 3. c. 19. the Third, intituled *An Act for the better Preservation of the Game*

in that Part of Great Britain *called* England; and an Act passed in the Thirteenth Year of the same Reign, intituled *An Act to explain and amend the several Laws now in being, so far as the same relate to the Preservation of the Moor or Hill Game;* and an Act passed in the same Year of the same Reign, intituled *An Act to repeal an Act made in the Tenth Year of the Reign of His present Majesty, intituled 'An Act for the better Preservation of the Game within that 'Part of* Great Britain *called* England,' *and for making other Provisions in lieu thereof;* and an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for repealing Two Acts passed in the Thirty-sixth Year of the Reign of His present Majesty, which limit the Time for killing Partridges in* England *and* Scotland, *and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as relates to such Limitation within that Part of* Great Britain *called* England, *by making other Provisions for that Purpose;* and an Act passed in the Forty-third Year of the same Reign, intituled *An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the* New Forest *in the County of* Southampton; and an Act passed in the Forty-eighth Year of the same Reign, intituled *An Act to repeal so much of an Act of the First Year of King* James *the First as relates to the Penalties on shooting at Hares; and also to repeal an Act of the Third Year of King* George *the First, relating to Gamekeepers;* and an Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the Counties of* Somerset *and* Devon; and an Act passed in the Fifty-eighth Year of the same Reign, intituled *An Act for the more effectual Prevention of Offences connected with the unlawful Destruction and Sale of Game;* and an Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act for the further regulating the Appointment of Gamekeepers in* Wales; and all Acts continuing or perpetuating any of the Acts or Parts of Acts herein-before referred to, so far only as relates to the continuing or perpetuating the same respectively; shall be and continue in force until and throughout the Thirty-first Day of *October* in the present Year, and shall from and after that Day, as to that Part of the United Kingdom called *England*, be repealed (except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to any Offences which may have been committed against any of the said Acts before or upon the said Thirty-first Day, and as to any Penalties which may have been incurred thereunder before or upon the said Thirty-first Day, which Offences shall be dealt with and punished, and the Penalties recovered, as if this Act had not been made, and except as to any Matters done by any Persons under the Authority of any of the said Acts before or upon the said Thirty-first Day, with respect to whom every Privilege and Protection given by any of the said Acts shall continue in force as if this Act had not been made); and this Act shall commence and take effect (except as is herein-after excepted) on the First Day of *November* in the present Year.

13 G. 3. c. 55.

13 G. 3. c. 80.

39 G. 3. c. 34.

43 G. 3. c. 112.

48 G. 3. c 93.

50 G. 3. c. 67.

58 G. 3. c. 75.

59 G. 3. c. 102.

Commencement of this Act.

II. And be it enacted, That the Word "Game" shall for all the Purposes of this Act be deemed to include Hares, Pheasants, Partridges,

What shall be deemed Game.

ridges, Grouse, Heath or Moor Game, Black Game, and Bustards; and that the Words "Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty," shall throughout this Act be deemed to include a Lady of the same respectively.

Days and Seasons during which Game shall not be killed.

III. And be it enacted, That if any Person whatsoever shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking any Game, on a *Sunday* or *Christmas Day*, such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction; and if any Person whatsoever shall kill or take any Partridge between the First Day of *February* and the First Day of *September* in any Year, or any Pheasant between the First Day of *February* and the First Day of *October* in any Year, or any Black Game, (except in the County of *Somerset* or *Devon*, or in the *New Forest* in the County of *Southampton*,) between the Tenth Day of *December* in any Year and the Twentieth Day of *August* in the succeeding Year, or in the County of *Somerset* or *Devon*, or in the *New Forest* aforesaid, between the Tenth Day of *December* in any Year and the First Day of *September* in the succeeding Year, or any Grouse, commonly called Red Game, between the Tenth Day of *December* in any Year and the Twelfth Day of *August* in the succeeding Year, or any Bustard between the First Day of *March* and the First Day of *September* in any Year, every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so killed or taken such Sum of Money, not exceeding One Pound, as to the said Justices shall seem meet, together with the Costs of the Conviction; and if any Person, with Intent to destroy or injure any Game, shall at any Time put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty for laying Poison to kill Game.

Possession of Game illegal after Ten Days in Dealers, and Forty Days in other Persons, from the Expiration of the Season.

IV. And be it enacted, That if any Person licensed to deal in Game by virtue of this Act as herein-after mentioned shall buy or sell, or knowingly have in his House, Shop, Stall, Possession, or Controul, any Bird of Game after the Expiration of Ten Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid; or if any Person, not being licensed to deal in Game by virtue of this Act as herein-after mentioned, shall buy or sell any Bird of Game after the Expiration of Ten Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid, or shall knowingly have in his House, Possession, or Controul any Bird of Game (except Birds of Game kept in a Mew or Breeding Place) after the Expiration of Forty Days (one inclusive and the other exclusive) from

from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid; every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so bought or sold, or found in his House, Shop, Possession, or Controul, such Sum of Money, not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

This Act not to affect the existing Laws respecting Game Certificates.

V. And be it enacted, That nothing in this Act contained shall in anywise affect or alter (except as herein-after mentioned) any Act or Acts now in force by which any Persons using any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or any Woodcock, Snipe, Quail, or Landrail, or any Conies, are required to obtain and have annual Game Certificates; but that all Persons who before the Commencement of this Act were required to obtain and have such Certificates shall after the Commencement of this Act be required from Time to Time to obtain and have the like Certificates; and all the Powers, Provisions, and Penalties contained in such Act or Acts shall continue in as full Force and Effect as if this Act had not been made; and that all Regulations and Provisions contained in any Act or Acts relative to Game Certificates, so far as they relate to Gamekeepers of Manors, and to the Amount of Duty for Game Certificates to be charged upon or in respect of Gamekeepers of Manors in the Cases specified in such Act or Acts, shall extend and apply to all Gamekeepers of Lands appointed under this Act as fully and effectually as if they were Gamekeepers of Manors, and were expressly mentioned in and charged by such Act or Acts.

Every certificated Person may kill Game, subject to the Law of Trespass.

Proviso as to Gamekeepers.

VI. And be it declared and enacted, That every Person who shall have obtained an annual Game Certificate shall be authorized to kill and take Game, subject always to an Action, or to such other Proceedings as are herein-after mentioned, for any Trespass by him committed in search or pursuit of Game: Provided always, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to kill or take any Game, or to use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, except within the Limits included in his Appointment as Gamekeeper; but that in any Case where such Gamekeeper shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, beyond such Limits as aforesaid, he may be proceeded against under this Act, or otherwise, in the same Manner to all Intents and Purposes as if he had no Game Certificate whatsoever.

Under existing Leases the Landlord shall have the Game, except in certain Cases.

VII. And be it enacted, That in all Cases where any Person shall occupy any Land under any Lease or Agreement made previously to the passing of this Act, except in the Cases hereinafter next excepted, the Lessor or Landlord shall have the Right of entering upon such Land, or of authorizing any other Person or Persons who shall have

obtained an annual Game Certificate to enter upon such Land, for the Purpose of killing or taking the Game thereon; and no Person occupying any Land under any Lease or Agreement, either for Life or for Years, made previously to the passing of this Act shall have the Right to kill or take the Game on such Land, except where the Right of killing the Game upon such Land has been expressly granted or allowed to such Person by such Lease or Agreement, or except where upon the original granting or Renewal of such Lease or Agreement a Fine or Fines shall have been taken, or except where in the Case of a Term for Years such Lease or Agreement shall have been made for a Term exceeding Twenty-one Years.

This Act not to affect any existing or future Agreements respecting Game, nor any Rights of Manor, Forest, Chase, or Warren.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize any Person seised or possessed of or holding any Land to kill or take the Game, or to permit any other Person to kill or take the Game upon such Land, in any Case where, by any Deed, Grant, Lease, or any written or parol Demise or Contract, a Right of Entry upon such Land for the Purpose of killing or taking the Game hath been or hereafter shall be reserved or retained by or given or allowed to any Grantor, Lessor, Landlord, or other Person whatsoever; nor shall any thing in this Act contained defeat or diminish any Reservation, Exception, Covenant, or Agreement already contained in any private Act of Parliament, Deed, or other Writing relating to the Game upon any Land, nor in any Manner prejudice the Rights of any Lord or Owner of any Forest, Chase, or Warren, or of any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or of any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty.

This Act not to affect any of His Majesty's Forest Rights, &c.

IX. Provided also, and be it enacted, That nothing in this Act contained shall in any way alter or affect the Prerogative, Rights, or Privileges of His Majesty, His Heirs or Successors, nor the Powers or Authorities now vested in the Commissioners of His Majesty's Woods, Forests, and Land Revenues, in or relating to any of His Majesty's Forests or the Boundaries thereof, nor in or relating to the Appointment of any Stewards, Gamekeepers, or other Officers of any of His Majesty's Forests, Parks, or Chases, or of any Hundred, Honor, Manor, or Lordship being Part of the Possessions and Land Revenues of the Crown, nor the Rights, Privileges, or Immunities of any Chief Justice in Eyre, or any Warden, Deputy Warden, or Lieutenant of any of His Majesty's Forests, or any Rangers, Verderers, Foresters, Master-keepers, Under-keepers, or other Officers of or in any such Forests, Parks, or Chases, or of any Person entitled to any Right or Privilege under them or any of them, nor the Rights or Privileges of any Persons holding under any Grants or Purchases from the Crown, nor give to any Lord of any Manor or Manors within any Forest or the Boundaries thereof, nor to any other Person whatsoever, any Privileges, Rights, or Powers within any such Forest, Park, or Chase, or the Boundaries thereof, which he did not possess or to which he was not entitled before the passing of this Act; but that all the aforesaid Prerogatives, Immunities, Privileges, Rights, and Powers shall remain as if this Act had not been made.

X. Pro-

X. Provided also, and be it enacted, That nothing herein contained shall be deemed to give to any Owner of Cattlegates or Rights of Common upon or over any Wastes or Commons any Interest or Privilege which such Owner was not possessed of before the passing of this Act, nor to authorize such Owner of Cattlegates or Rights of Common to pursue or kill the Game found on such Wastes or Commons; and that nothing herein contained shall defeat or diminish the Rights or Privileges which any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, may, before the passing of this Act, have exercised in or over such Wastes or Commons; and that the Lord or Steward of the Crown of every Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall have the Right to pursue and kill the Game upon the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, and to authorize any other Person or Persons who shall have obtained an Annual Game Certificate to enter upon such Wastes or Commons for the Purpose of pursuing and killing the Game thereon.

Nor to affect any Cattlegates or Right of Common.

Lord of Manor to have the Game on the Wastes.

XI. And be it enacted, That where the Lessor or Landlord shall have reserved to himself the Right of killing the Game upon any Land, it shall be lawful for him to authorize any other Person or Persons who shall have obtained an annual Game Certificate to enter upon such Land for the Purpose of pursuing and killing Game thereon.

Landlord, having the Game, may authorize others to kill it.

XII. And be it enacted, That where the Right of killing the Game upon any Land is by this Act given to any Lessor or Landlord, in exclusion of the Right of the Occupier of such Land, or where such exclusive Right hath been or shall be specially reserved by or granted to, or doth or shall belong to, the Lessor, Landlord, or any Person whatsoever other than the Occupier of such Land, then and in every such Case, if the Occupier of such Land shall pursue, kill, or take any Game upon such Land, or shall give Permission to any other Person so to do, without the Authority of the Lessor, Landlord, or other Person having the Right of killing the Game upon such Land, such Occupier shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Pursuit such Sum of Money not exceeding Two Pounds, and for every Head of Game so killed or taken such Sum of Money not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

Where the Landlord,&c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it.

XIII. And be it enacted, That it shall be lawful for any Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, by Writing under Hand and Seal, or in case of a Body Corporate, then under the Seal of such Body Corporate, to appoint One or more Person or Persons as a Gamekeeper or Gamekeepers to preserve or kill the Game within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for the Use of such Lord or Steward thereof, and

Lords of Manors may appoint Gamekeepers.

Powers of Gamekeepers in Manors.

and to authorize such Gamekeeper or Gamekeepers within the said Limits to seize and take for the Use of such Lord or Steward all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used within the said Limits by any Person not authorized to kill Game for Want of a Game Certificate.

Lords of Manors may grant Deputations.

XIV. And be it enacted, That it shall be lawful for any Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, to appoint and depute any Person whatever, whether acting as a Gamekeeper to any other Person or not, or whether retained and paid for as the Male Servant of any other Person or not, to be a Gamekeeper for any such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or for such Division or District of such Manor, Lordship, or Royalty, as such Lord or Steward of the Crown shall think fit, and to authorize such Person, as Gamekeeper, to kill Game within the same for his own Use or for the Use of any other Person or Persons who may be specified in such Appointment or Deputation, and also to give to such Person all such Powers and Authorities as may by virtue of this Act be given to any Gamekeeper of a Manor; and no Person so appointed Gamekeeper, and empowered to kill Game for his own Use or for the Use of any other Person so specified as aforesaid, and not killing any Game for the Use of the Lord or Steward of the Crown of the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for which such Deputation or Appointment shall be given, shall be deemed to be or shall be entered or paid for as the Gamekeeper or Male Servant of the Lord or Steward making such Appointment or Deputation, any thing in any Act or Acts contained to the contrary notwithstanding.

Regulations respecting Appointment of Gamekeepers in Wales.

XV. And be it enacted, That it shall be lawful for every Person who shall be entitled to kill the Game upon any Lands in *Wales* of the clear annual Value of Five hundred Pounds, whereof he shall be seised in Fee or as of Freehold, or to which he shall otherwise be beneficially entitled in his own Right, if such Lands shall not be within the Bounds of any Manor, Lordship, or Royalty, or if, being within the same, they shall have been enfranchised or alienated therefrom, to appoint, by Writing under his Hand and Seal, a Gamekeeper or Gamekeepers to preserve or kill the Game over and upon such his Lands, and also over and upon the Lands in *Wales* of any other Person, who, being entitled to kill the Game upon such last-mentioned Lands, shall by Licence in Writing authorize him to appoint a Gamekeeper or Gamekeepers to preserve or kill the Game thereupon, such last-mentioned Lands not being within the Bounds of any Manor, Lordship, or Royalty, or having been enfranchised or alienated therefrom; and it shall be lawful for the Person so appointing a Gamekeeper or Gamekeepers to authorize him or them to seize and take, for the Use of the Person so appointing, upon the Lands of which he or they shall be appointed Gamekeeper or Gamekeepers, all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used upon the said Lands by any Person not authorized to kill Game for Want of a Game Certificate.

XVI. Pro-

All Appointments of Gamekeepers to be registered with the Clerk of the Peace.

XVI. Provided always, and be it enacted, That no Appointment or Deputation of any Person as a Gamekeeper by virtue of this Act shall be valid unless and until it shall be registered with the Clerk of the Peace for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or the Lands, shall be situate, for or in respect of which such Person shall have been appointed Gamekeeper; and in case the Appointment of any Person as Gamekeeper shall expire or be revoked, by Dismissal or otherwise, all Powers and Authorities given to him by virtue of this Act shall immediately cease and determine.

Certificated Persons may sell Game to licensed Dealers.

Proviso as to Gamekeepers.

XVII. And be it enacted, That every Person who shall have obtained an annual Game Certificate shall have Power to sell Game to any Person licensed to deal in Game, according to the Provisions herein-after mentioned: Provided always, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to sell any Game, except on the Account and with the written Authority of the Master whose Gamekeeper he is; but that any such Gamekeeper selling any Game not on the Account and with the written Authority of such Master may be proceeded against under this Act in the same Manner, to all Intents and Purposes, as if he had no Game Certificate whatsoever.

Justices to hold a Special Session yearly for granting Licences to Persons to deal in Game.

XVIII. And be it enacted, That the Justices of the Peace of every County, Riding, Division, Liberty, Franchise, City, or Town shall hold a Special Session in the Division or District for which they usually act, in the present Year, between the Fifteenth and the Thirtieth Days of *October*, and in every succeeding Year in the Month of *July*, for the Purpose of granting Licences to deal in Game, of the holding of which Session Seven Days Notice shall be given to each of the Justices acting for such Division or District; and the Majority of the Justices assembled at such Session, or at some Adjournment thereof, not being less than Two, are hereby authorized (if they shall think fit) to grant, under their Hands, to any Person being a Householder or Keeper of a Shop or Stall within such Division or District, and not being an Innkeeper or Victualler, or licensed to sell Beer by Retail, nor being the Owner, Guard, or Driver of any Mail Coach, or other Vehicle employed in the Conveyance of the Mails of Letters, or of any Stage Coach, Stage Waggon, Van, or other public Conveyance, nor being a Carrier or Higgler, nor being in the Employment of any of the above-mentioned Persons, a Licence according to the Form in the Schedule (A.) annexed to this Act, empowering the Person to whom such Licence shall be so granted to buy Game at any Place from any Person who may lawfully sell Game by virtue of this Act, and also to sell the same at One House, Shop, or Stall only, kept by him; provided that every Person, while so licensed to deal in Game as aforesaid, shall affix to some Part of the Outside of the Front of his House, Shop, or Stall, and shall there keep, a Board having thereon in clear and legible Characters his Christian Name and Surname, together with the following Words,

Dealers in Game to put up a Board.

(that is to say,) "Licensed to deal in Game;" and every such Licence granted in the present Year shall begin to be in force on the First Day of *November* in the present Year, and shall continue in force until the Fifteenth Day of *July* One thousand eight hundred and thirty-two, and every such Licence granted in any succeeding Year shall continue in force for the Period of One Year next after the granting thereof.

Persons licensed to deal in Game must take out a Certificate, with a Duty of 2*l.*

XIX. And be it enacted, That every Person who shall have obtained any Licence to deal in Game under the Provisions of this Act shall annually and during the Continuance of his Licence, and before he shall be empowered to deal in Game under such Licence, obtain a Certificate according to the Form in the Schedule (B.) annexed to this Act, on Payment of the Duty of Two Pounds, which is hereby granted and made payable to His Majesty for every such Certificate, which Certificate shall be in force for the same Period as such Licence; and the said Duty shall be paid to the Collector or Collectors of the Assessed Taxes for the Parish, Township, or Place in which the Person so licensed shall reside, in like Manner as the Duties on Game Certificates are by Law payable; and every Receipt to be given by any Collector receiving such Duty shall be free of Stamp Duty, and shall be delivered to the Person requiring the same on Payment to the Collector of One Shilling, and no more, over and above the said Duty for the Certificate; and such Receipt shall be exchanged for a Certificate under this Act, in like Manner as Receipts for the Duty in respect of killing Game are by Law required to be exchanged for Game Certificates; and if any Person obtaining a Licence under this Act shall purchase or sell or otherwise deal in Game, as a licensed Dealer under this Act, before he shall obtain a Certificate in exchange for a Receipt as herein directed, such Person shall for every such Offence forfeit and pay the Penalty of Twenty Pounds.

Collectors to make out List of Persons who have obtained Licences to deal in Game.

XX. And be it enacted, That the Collector or Collectors of the Assessed Taxes in every Parish, Township, or Place wherein any Person shall reside who shall have obtained such annual Licence and Certificate, shall in each Year make out a List, to be kept in his or their Possession, containing the Name and Place of Abode of every such Person, and shall at all seasonable Hours produce such List to any Person making verbal Application to inspect the same, and shall be entitled to demand and receive for such Inspection the Sum of One Shilling; and the Duties hereby granted as aforesaid in respect of Certificates to be obtained by Persons licensed to deal in Game shall be assessed, charged, raised, levied, and collected by the respective Commissioners and Justices of the Peace, and the several other Officers acting in the Execution of the several Acts relating to the Assessed Taxes, in the same Manner, and under the same Rules, Regulations, and Provisions (except as herein varied), as the Duties on Game Certificates are by the said Acts directed to be assessed, charged, raised, levied, and collected; and that the Penalty of Twenty Pounds hereby imposed shall be sued for, recovered, and levied, either in the District in which the Offence shall be committed or in the District in which the Offender shall reside, and be applied

in the same Manner, and under the same Rules, Regulations, and Provisions, as Penalties on Persons doing Acts without Payment of the Game Duty, or neglecting to obtain Game Certificates, are by the said Acts directed to be sued for, recovered, levied, and applied, to all Intents and Purposes whatsoever as if such Rules, Regulations, and Provisions were specially repeated and re-enacted in this Act.

Proviso as to Partners.

XXI. Provided always, and be it enacted, That Persons being in Partnership, and carrying on their Business at One House, Shop, or Stall only, shall not be obliged by virtue of this Act to take out more than One Licence in any One Year to authorize them to deal in Game at such House, Shop, or Stall.

Licences when to become void.

XXII. And be it enacted, That if any Person licensed by virtue of this Act to deal in Game shall during the Period of such Licence be convicted of any Offence whatever against this Act, such Licence shall thereupon become null and void.

Penalty for killing Game without a Certificate.

XXIII. And be it enacted, That if any Person shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of searching for or killing or taking Game, such Person not being authorized so to do for Want of a Game Certificate, he shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction: Provided always, that no Person so convicted shall by reason thereof be exempted from any Penalty or Liability under any Statute or Statutes relating to Game Certificates, but that the Penalty imposed by this Act shall be deemed to be a cumulative Penalty.

This Penalty to be cumulative.

Penalty for destroying or taking the Eggs of Game, &c.

XXIV. And be it enacted, That if any Person not having the Right of killing the Game upon any Land, nor having Permission from the Person having such Right, shall wilfully take out of the Nest or destroy in the Nest upon such Land the Eggs of any Bird of Game, or of any Swan, Wild Duck, Teal, or Widgeon, or shall knowingly have in his House, Shop, Possession, or Controul any such Eggs so taken, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Egg so taken or destroyed, or so found in his House, Shop, Possession, or Controul, such Sum of Money, not exceeding Five Shillings, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty for selling Game without Licence, and on certificated Persons selling to unlicensed Persons.

XXV. And be it enacted, That if any Person not having obtained a Game Certificate (except such Person be licensed to deal in Game according to this Act) shall sell or offer for Sale any Game to any Person whatsoever; or if any Person authorized to sell Game under this Act by virtue of a Game Certificate shall sell or offer for Sale any Game to any Person whatsoever, except a Person licensed to deal in Game according to this Act; every such Offender shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit

forfeit and pay for every Head of Game so sold or offered for Sale such Sum of Money, not exceeding Two Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Exceptions as to Innkeepers.

XXVI. Provided always, and be it further enacted, That it shall be lawful for any Innkeeper or Tavernkeeper, without any such Licence for dealing in Game as aforesaid, to sell Game for Consumption in his own House, such Game having been procured from some Person licensed to deal in Game by virtue of this Act, and not otherwise.

Penalty on Persons buying Game, except from licensed Dealers.

XXVII. And be it enacted, That if any Person, not being licensed to deal in Game according to this Act, shall buy any Game from any Person whatsoever, except from a Person licensed to deal in Game according to this Act, or *bonâ fide* from a Person affixing to the Outside of the Front of his House, Shop, or Stall, a Board purporting to be the Board of a Person licensed to deal in Game, every such Offender shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Head of Game so bought such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty on licensed Dealers buying Game from uncertificated Persons, or otherwise offending.

XXVIII. And be it enacted, That if any Person being licensed to deal in Game according to this Act shall buy or obtain any Game from any Person not authorized to sell Game for Want of a Game Certificate, or for Want of a Licence to deal in Game; or if any Person, being licensed to deal in Game according to this Act, shall sell or offer for Sale any Game at his House, Shop, or Stall, without such Board as aforesaid being affixed to some Part of the Outside of the Front of such House, Shop, or Stall, at the Time of such selling or offering for Sale, or shall affix or cause to be affixed such Board to more than One House, Shop, or Stall, or shall sell any Game, at any Place other than his House, Shop, or Stall where such Board shall have been affixed; or if any Person not being licensed to deal in Game according to this Act shall assume or pretend, by affixing such Board as aforesaid, or by exhibiting any Certificate, or by any other Device or Pretence, to be a Person licensed to deal in Game; every such Offender, being convicted thereof before Two Justices of the Peace, shall forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

As to buying and selling Game by the Servants of a licensed Dealer.

XXIX. Provided always, and be it enacted, That the buying and selling of Game by any Person or Persons employed on the Behalf of any licensed Dealer in Game, and acting in the usual Course of his Employment, and upon the Premises where such dealing is carried on, shall be deemed to be a lawful buying and selling in every Case where the same would have been lawful if transacted by such licensed Dealer himself: Provided also, that nothing herein contained shall prevent any licensed Dealer in Game from selling any Game which shall have been sent to him to be sold on account of any other licensed Dealer in Game.

XXX. And

Penalty on Persons trespassing in the Day-time upon Lands in search of Game.

XXX. And whereas, after the Commencement of this Act, Game will become an Article which may be legally bought and sold, and it is therefore just and reasonable to provide some more summary Means than now by Law exist for protecting the same from Trespassers; be it therefore enacted, That if any Person whatsoever shall commit any Trespass by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, such Person shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction; and that if any Persons to the Number of Five or more together shall commit any Trespass, by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, each of such Persons shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the said Justice shall seem meet, together with the Costs of the Conviction: Provided always, that any Person charged with any such Trespass shall be at liberty to prove, by way of Defence, any Matter which would have been a Defence to an Action at Law for such Trespass; save and except that the Leave and Licence of the Occupier of the Land so trespassed upon shall not be a sufficient Defence in any Case where the Landlord, Lessor, or other Person shall have the Right of killing the Game upon such Land by virtue of any Reservation or otherwise, as herein-before mentioned; but such Landlord, Lessor, or other Person shall, for the Purpose of prosecuting for each of the Two Offences herein last before mentioned, be deemed to be the legal Occupier of such Land, whenever the actual Occupier thereof shall have given such Leave or Licence; and that the Lord or Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall be deemed to be the legal Occupier of the Land of the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty.

Where the Occupier of the Land, not being entitled to the Game, allows any Person to kill it, the Party entitled to the Game may enforce the Penalty.

Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes, and in case of Refusal may be arrested.

XXXI. And be it enacted, That where any Person shall be found on any Land, or upon any of His Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, it shall be lawful for any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise as herein-before mentioned, or for the Occupier of the Land (whether there shall or shall not be any such Right by Reservation or otherwise), or for any Gamekeeper or Servant of either of them, or for any Person authorized by either of them, or for the Warden, Ranger, Verderer, Forester, Master-keeper, Under-keeper, or other Officer of such Forest, Park, Chase, or Warren, to require the Person so found forthwith to quit the Land whereon he shall be so found, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, offend by refusing to tell his real Name or Place of Abode, or by giving such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or by wilfully continuing or returning upon the Land, it shall be lawful

lawful for the Party so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him or cause him to be conveyed as soon as conveniently may be before a Justice of the Peace; and such Offender (whether so apprehended or not), upon being convicted of any such Offence before a Justice of the Peace, shall forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice shall seem meet, together with the Costs of the Conviction: Provided always, that no Person so apprehended shall, on any Pretence whatsoever, be detained for a longer Period than Twelve Hours from the Time of his Apprehension until he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions herein-after mentioned, as if no such Apprehension had taken place.

Penalty.

Party arrested must be discharged, unless brought before a Justice within 12 Hours.

Penalty on Persons found armed using Violence, &c.

XXXII. And be it enacted, That where any Persons, to the Number of Five or more together, shall be found on any Land, or in any of His Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, any of such Persons being then and there armed with a Gun, and such Persons or any of them shall then and there, by Violence, Intimidation, or Menace, prevent or endeavour to prevent any Person authorized as herein-before mentioned from approaching such Persons so found, or any of them, for the Purpose of requiring them or any of them to quit the Land whereon they shall be so found, or to tell their or his Christian Name, Surname, or Place of Abode respectively, as herein-before mentioned, every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then and there aiding or abetting such Offender, shall, upon being convicted thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Penalty, not exceeding Five Pounds, as to the convicting Justices shall seem meet, together with the Costs of the Conviction; which said Penalty shall be in addition to and independent of any other Penalty to which any such Person may be liable for any other Offence against this Act.

Penalty for Trespass in Day-time in His Majesty's Forests.

XXXIII. And be it enacted, That if any Person whatsoever shall commit any Trespass, by entering or being, in the Day-time, upon any of His Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, without being first duly authorized so to do, such Person shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction.

What to be deemed Day-time.

XXXIV. And be it enacted, That for the Purposes of this Act the Day-time shall be deemed to commence at the Beginning of the last Hour before Sunrise, and to conclude at the Expiration of the first Hour after Sunset.

XXXV. Provided always, and be it enacted, That the aforesaid Provisions against Trespassers and Persons found on any Land shall not extend to any Person hunting or coursing upon any Lands with Hounds or Greyhounds, and being in fresh Pursuit of any Deer, Hare, or Fox already started upon any other Land, nor to any Person *bond fide* claiming and exercising any Right or reputed Right of Free Warren or Free Chase, nor to any Gamekeeper lawfully appointed within the Limits of any Free Warren or Free Chase, nor to any Lord or any Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, nor to any Gamekeeper lawfully appointed by such Lord or Steward within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty. The Provisions as to Trespassers not to apply to Persons hunting, &c.

XXXVI. And be it enacted, That when any Person shall be found by Day or by Night upon any Land, or in any of His Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, and shall then and there have in his Possession any Game which shall appear to have been recently killed, it shall be lawful for any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise, as herein-before mentioned, or for the Occupier of such Land (whether there shall or shall not be any such Right by Reservation or otherwise), or for any Gamekeeper or Servant of either of them, or for any Officer as aforesaid of such Forest, Park, Chase, or Warren, or for any Person acting by the Order and in aid of any of the said several Persons, to demand from the Person so found such Game in his Possession, and in case such Person shall not immediately deliver up such Game, to seize and take the same from him, for the Use of the Person entitled to the Game upon such Land, Forest, Park, Chase, or Warren. Game may be taken from Trespassers not delivering up the same when demanded.

XXXVII. And be it enacted, That every Penalty and Forfeiture for any Offence against this Act (the Application of which has not been already provided for) shall be paid to some one of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid. Application of Penalties for Offences against this Act.

XXXVIII. And be it enacted, That the Justice or Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act, together with Costs, may adjudge that such Person shall pay the same either immediately or within such Period as the said Justice or Justices shall think fit, and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction Time for Payment of Penalties, and Scale of Imprisonment for Non-payment.

Correction (with or without hard Labour), as to the Justice or Justices shall seem meet, for any Term not exceeding Two Calendar Month where the Amount to be paid, exclusive of Costs, shall not amount to Five Pounds, and for any Term not exceeding Three Calendar Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Amount and Costs.

Form of Conviction.

XXXIX. And be it enacted, That the Justice or Justices of the Peace (as the Case may require) before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up according to the following Form of Words, or in any other Form of Words to the same or the like Effect; (that is to say,)

'} BE it remembered, That on the Day of
' to wit. } in the Year of our Lord
' at in the County of [*or* Riding,
' Division, Franchise, Liberty, City, &c. *as the Case may be*], *A. O.*
' is convicted before me *J. P.* One [*or* us *J. P.* and *J. J. P.* Two, *as*
' *the Case may require,*] of His Majesty's Justices of the Peace for
' the said County [*or* Riding, *&c.*], for that he the said *A. O.* did,
' on at kill [*or* take] Game,
' [*or* did use a Dog, *&c.* for the Purpose of killing Game], he the
' said *A. O.* not being authorized so to do for Want of a Game Cer-
' tificate, contrary to the Statute in such Case made and provided
' [*or* did, *here specify any other Offence, and the Time and Place when*
' *and where the same was committed, as the Case may be*]; and I [*or* we]
' do adjudge that the said *A. O.* shall for the said Offence forfeit the
' Sum of [*or* we do adjudge that the said *A. O.*
' shall for the said Offence forfeit the Sum of being
' after the Rate of for every Head of Game so, *&c.* or
' for every Egg so, *&c.*], and shall forthwith pay the said Sum,
' together with the Sum of for Costs; and that in
' default of immediate Payment of the said Sums, he the said *A. O.*
' shall be imprisoned [*or* imprisoned and kept to hard Labour] in
' the of for the Space of unless
' the said Sums shall be sooner paid; [*or* and I [*or* we] order that
' the said Sums shall be paid by the said *A. O.* on or before the
' Day of and in default of Payment
' on or before that Day I [*or* we] adjudge the said *A. O.* to be
' imprisoned [*or* imprisoned and kept to hard Labour] in the
' of for the Space of
' unless the said Sums shall be sooner paid;] and I [*or* we] direct
' that the said Sum of (*i. e.* the Penalty) shall be paid
' to being one of the Overseers of the Poor of, *&c.* to be
' by him applied according to the Directions of the Statute in such
' Case made and provided; and I [*or* we] order that the said Sum
' of for Costs shall be paid to (the
' Complainant). Given under my Hand [*or* our Hands] the Day
' and Year first above mentioned.

' *J. P.*
' [*or J. P.* and *J. J. P.*]'

XL. And

Power to summon Witnesses.

XL. And be it enacted, That it shall be lawful for any Justice of the Peace to issue his Summons requiring any Person to appear before himself, or any One or Two Justices of the Peace, as the Case may require, for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his Absence shall be proved before the Justice or Justices then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justice or Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justice or Justices, or any other Justice or Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice or Justices shall seem meet.

Penalty for Disobedience of Summons, &c.

Time for Proceedings, and Mode of enforcing the Appearance of Offenders.

XLI. And be it enacted, That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Three Calendar Months after the Commission of the Offence; and that where any Person shall be charged on the Oath of a credible Witness with any such Offence before a Justice of the Peace, the Justice may summon the Party charged to appear before himself, or any One or Two Justices of the Peace, as the Case may require, at a Time and Place to be named in such Summons; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) the Justice or Justices may either proceed to hear and determine the Case in the Absence of the Party, or may issue his or their Warrant for apprehending and bringing such Party before him or them, as the Case may be; or the Justice before whom the Charge shall be made may, if he shall have Reason to suspect from Information upon Oath that the Party is likely to abscond, issue such Warrant in the first Instance, without any previous Summons.

Prosecutor not required to prove a Negative.

XLII. And be it declared and enacted, That it shall not be necessary, in any Proceeding against any Person under this Act, to negative by Evidence any Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence; but that the Party seeking to avail himself of any such Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence, shall be bound to prove the same.

Convictions to be returned to Sessions.

XLIII. And be it enacted, That the Justice or Justices of the Peace before whom any Person shall be convicted of any Offence punishable upon summary Conviction under this Act shall transmit every such Conviction to the next Court of General or Quarter Sessions of the Peace for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court.

Appeal.

XLIV. And be it enacted, That any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act

may appeal to the Justices at the next General or Quarter Sessions of the Peace to be holden, not less than Twelve Days after such Conviction, for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or within such Three Days enter into a Recognizance, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c.

XLV. And be it enacted, That no summary Conviction in pursuance of this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same.

This Act not to preclude Actions for Trespass, but no Double Proceedings for the same Trespass.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from proceeding by way of Civil Action to recover Damages in respect of any Trespass upon his Land, whether committed in pursuit of Game or otherwise, save and except that where any Proceedings shall have been instituted under the Provisions of this Act against any Person for or in respect of any Trespass, no Action at Law shall be maintainable for the same Trespass by any Person at whose Instance or with whose Concurrence or Assent such Proceedings shall have been instituted, but that such Proceedings shall in such Case be a Bar to any such Action, and may be given in Evidence under the General Issue.

Venue, &c. in Proceedings against Persons acting under this Act.

XLVII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the

Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant. Tender of Amends.

XLVIII. And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*. Act not to extend to Scotland or Ireland.

SCHEDULES.

SCHEDULE (A.)

FORM OF LICENCE.

AT a Special Session of the Justices of the Peace of the County of [*or* Riding, &c. *as the Case may be*], acting for the Division of [*or otherwise, as the Case may be*] in the said County, holden at in the said on the Day of in the Year We being Justices acting for the said assembled at the said Special Session, do hereby authorize and empower *A.B.* of [*here insert the Name, Description, and Place of Residence, and, if more than One in Partnership, say, C.D.* of, &c. and *E.F.* of, &c. being Partners,] being a Householder [*or* Householders], [*or* Keeper (*or* Keepers) of a Shop or Stall, *as the Case may be*], to buy Game from any Person authorized to sell Game by virtue of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act "to amend the Laws in England relative to Game;" and we do also authorize and empower the said *A.B.* [*or C.D.* and *E.F.* being Partners] to sell at his [*or* their] House [Shop *or* Stall] any Game so bought, provided that the said *A.B.* [*or C.D.* and *E.F.* being Partners] shall affix to some Part of the Outside of the Front of his [*or* their] House [Shop *or* Stall], and shall there keep, a Board having thereon in clear and legible Characters his Christian Name and Surname, [*or* their Christian Names and Surnames,] together with the following Words, 'Licensed to deal in Game.'

This Licence will expire on

(Signed) Justice of the Peace.
Justice of the Peace.

SCHEDULE (B.)

FORM of CERTIFICATE to be issued by Clerks of Commissioners of Assessed Taxes to every Person licensed to deal in Game.

RECEIVED from *A. B.* [*or C. D.* and *E. F.* being Partners], residing at [Parish, Township, *or* Place] in the County of (in exchange for this Certificate), a Receipt under the Hand of *G. H.* one of the Collectors of Assessed Taxes for the said [Parish, *&c.*] for the Sum of being the Duty chargeable on the said *A. B.* [*or C. D.* and *E. F.* being Partners] in respect of his [*or* their] Licence to deal in Game.

Certified this Day of in the Year in pursuance of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act "to amend the Laws in England relative to Game."

This Certificate will expire on

(Signed)
Clerk to the Commissioners of Assessed Taxes
for the Division of
in the County of

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

CAP. XXXIII.

An Act for the Extension and Promotion of Public Works in *Ireland*. [15th *October* 1831.]

WHEREAS under and by virtue of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*, and by several other Acts since from Time to Time made, certain Sums of Money were appropriated and made applicable, under the Direction of Commissioners appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to the Aid and Encouragement, by way of Loan upon certain Securities in such Acts specified, of Public Works in *Ireland*: And whereas great Benefit has been found to arise from holding out and affording such Aid and Encouragement, but the Sums of Money for that Purpose granted have been nearly all appropriated; and it is expedient further to promote the Execution of Works of Public Utility, by extending to such Works, upon a permanent System, the Aid of Public Credit, to be afforded on sufficient Security taken for the Repayment of the Money raised thereunder, together with Interest thereon, under the Controul and Direction of Commissioners to be for that Purpose appointed: And whereas it is also expedient to transfer to such Commissioners the Duties now performed by various Public Boards, capable of being consolidated with Advantage to the Public Service and Economy to the 57 G.3. c.34.

the Resources of the Nation; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the King's most Excellent Majesty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, to cause or direct to be made out from Time to Time, as may be necessary, under the Provisions of this Act, at His Majesty's Exchequer in *Great Britain*, any Number of Exchequer Bills the Amount whereof at any Time outstanding shall not exceed in the whole the Sum of Five hundred thousand Pounds; such Bills to be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

His Majesty may authorize the Treasury to direct 500,000*l.* Exchequer Bills to be issued as under 48 G. 3. c. 1.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third shall be applied and extend to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Provisions of 48 G. 3. c. 1. to extend to this Act.

III. And be it further enacted, That the said Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, and shall be made payable at such Periods as shall be fixed by the said Commissioners of His Majesty Treasury; nevertheless so as that all such Bills as shall be made out for the carrying on of any Works under the Provisions of this Act shall be made payable within Three Years from the Date thereof, and that the Principal Sum contained in every such Bill, together with such Interest as aforesaid, to be computed from the Day of the Date thereof until the Time appointed for the Payment thereof, shall be paid off and discharged upon the Days and Times respectively appointed for the Payment thereof.

Exchequer Bills to bear Interest after the Rate of 3½*d.* per Diem, and to be payable as the Treasury shall appoint, but not later than Three Years from their Date.

IV. Provided always, and be it further enacted, That all and every the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall and may after that Time pass and be current to all and every the Receivers and Collectors in *Great Britain* and *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or

Exchequer Bills after they have become due to be current with Collectors of Excise, &c. but not before.

Tax whatsoever, due or payable to His Majesty, His Heirs or Successors, and also at the Receipt of Exchequer in *Great Britain*, and at the Bank of *Ireland* to the Credit and Account of the Teller of His Majesty's Exchequer of *Ireland*, from the said Receivers or Collectors; but no such Receiver or Collector shall exchange at any Time before the said Day of Payment thereof, for any Money of such Revenues, Aid, Taxes, or Supplies in his Hands, any Exchequer Bill which shall have been issued as aforesaid by virtue of this Act, nor shall any Action be maintained against such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof, any thing in this Act to the contrary contained in anywise notwithstanding; and that such of the same Bills as shall be received at the said Receipt of the Exchequer in *Great Britain*, and at the said Bank of *Ireland* to the Credit and Account of the said Teller of His Majesty's Exchequer there, shall and may be locked up and secured as Cash according to the Course of the said Exchequers of *Great Britain* and *Ireland* respectively, settled and established by Law for locking up and securing Monies received in Specie at the said Exchequer of *Great Britain*, or Bank of *Ireland* to the Credit and Account of the Teller of the said Exchequer of *Ireland* respectively.

Three Commissioners to be appointed under Sign Manual.

V. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, by Warrant or Warrants under the Royal Sign Manual, to nominate Three Persons to be Commissioners for the Execution of this Act during His Majesty's Pleasure, and to remove any One or more of the same, and in like Manner to nominate another or others in the Room of the Person or Persons so removed; and the said Persons so to be from Time to Time nominated shall be and they are hereby constituted and appointed Commissioners for the Execution of this Act.

Commissioners to meet in Dublin, and appoint Secretary, Surveyors, &c. and other Officers, with Salary, subject to Direction and Approbation of Commissioners of Treasury.

VI. And be it further enacted, That the said Commissioners for the Execution of this Act, or the Chairman with any One of them, shall meet and sit from Time to Time in *Dublin*, in such Place or Places as they shall respectively find most convenient, with or without Adjournment; and they, or the Chairman and any One of them, shall and may from Time to Time appoint and employ such Secretary, Solicitor, and such and so many Civil Engineers or Surveyors, Clerks, Messengers, or other Officer or Officers, as by the Commissioners of His Majesty's Treasury for the Time being may be directed or approved; and it shall and may be lawful to and for the said Commissioners for the Execution of this Act to allow to such Secretary, Solicitor, Engineers, Surveyors, Clerks, Messengers, and other Officers such reasonable Salary and Salaries, Pay or Reward, as to such Commissioners may seem meet, subject always to the Approval and Direction of the Commissioners of His Majesty's Treasury, and from Time to Time, at their Discretion, to dismiss and discharge such Secretary, Solicitor, Engineer or Engineers, Surveyor or Surveyors, and other Officers, or any or either of them, and to appoint others in their Place, subject to such Direction or Approval as aforesaid; and the said Secretary, Solicitor, Engineers, Surveyors, Clerks, Messengers, and other Officers are hereby required to execute and perform

form their several Duties without any Fee or Gratuity whatsoever therefor, other than such Salaries, Pay, or Rewards as the said Commissioners for the Execution of this Act shall, with such Approval and Direction as aforesaid, fix, appoint, and allow in manner by this Act directed.

No Superannuation Allowance to any Person under this Act.

VII. Provided, and be it further enacted, That no Commissioner, nor any Officer nor other Person appointed or to be appointed under this Act, shall be entitled, by reason of any Service under this Act, to claim or receive any Superannuation, Pension, or Allowance in the Nature thereof; any thing in any Act or Acts heretofore made, or any Law or Usage, to the contrary notwithstanding.

Lord Lieutenant to issue Money for necessary Expences and Allowances, on Order of Commissioners, and an Account thereof to be laid before Parliament.

VIII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and he or they is and are hereby authorized and required, to issue and advance, or cause to be issued and advanced, all such Sums of Money, to such Person or Persons, in such Manner and in such Proportions, as the Commissioners for the Execution of this Act, or the Chairman with any One of them, shall by Writing under their Hands from Time to Time desire, out of any of the Public Monies remaining in His Majesty's Exchequer in *Dublin*, to be replaced in the Manner in this Act mentioned; which Sums so to be issued and advanced shall be employed for the Payment of Salaries and Allowances, and in defraying all other necessary Charges and Expences in or about the Execution of this Act, without other Account than the said Commissioners of His Majesty's Treasury shall direct in that Behalf; and which Money so to be issued shall not be subject to any Tax, Duty, Rate, or Assessment whatsoever imposed by Authority of Parliament; but that an Account of the said Charges and Expences shall be laid before both Houses of Parliament at such Times and in such Manner as herein-after directed and appointed.

No Officer in Exchequer or Vice Treasurer's Office to take Fees, other than as allowed.

IX. And be it further enacted, That no Officer or other Person or Persons whatsoever employed in the Receipt of His Majesty's Exchequer in *Great Britain* or *Ireland*, or in the Office of the Vice Treasurer for *Ireland*, shall demand, take, or accept any Fee or Gratuity whatsoever for his or their Care and Labour in and about the Execution of this Act, other than such Salaries, Allowances, Rewards, or Emoluments as shall or may be granted to or allowed to be taken by them respectively.

Chairman and One Commissioner to be a Quorum.

X. And be it further enacted, That all Acts, Matters, and Things which the Commissioners for the Execution of this Act are by any of the Provisions thereof required or authorized to do or execute shall and may be done and executed by any Two of such Commissioners, of whom, except in case of Sickness or other unavoidable Circumstances, the Chairman shall be One.

Commissioners not to sit in House of Commons.

XI. And be it further enacted, That no Commissioner or other Officer appointed or to be appointed under the Provisions of this Act shall during the Time of his acting or Appointment as such Commissioner

missioner or Officer be capable of being elected a Member of or sitting in the House of Commons.

Commissioners to transmit Accounts to the Treasury quarterly, and at other Times if required; such Accounts to be laid before Parliament.

XII. And be it further enacted, That the Commissioners for the Execution of this Act shall transmit to the Commissioners of His Majesty's Treasury an Account or Accounts of their Proceedings quarterly, and at all other Times when they may be required so to do by the said Commissioners of His Majesty's Treasury; and such Account or Accounts, together with a Summary of all the Applications, whether acceded to or rejected, which shall be made to the said Commissioners under the Provisions herein-after contained, shall at the Commencement of every Session be laid before both Houses of Parliament, together with an Account or Accounts of the Money issued out of the Consolidated Fund, by Warrant of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Payment of Salaries, Allowances, and all other Charges and Expences incurred in the Execution of this Act.

Commissioners before proceeding to Execution of this Act to make Rules and Regulations for their own Government, subject to Revisal of Treasury;

and appoint a Day for receiving Applications.

Rules and Regulations may be altered, with Approval or by Direction of the Treasury.

XIII. And be it enacted, That the Commissioners for the Execution of this Act shall meet on such Day after their Appointment, and at such Place, as by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall be appointed; and shall when so met, and immediately on entering upon the Duty of their Office, and before receiving any Application for Advances under this Act, in the first place frame and prepare such general Rules and Regulations for effectuating the Intent and Objects of this Act, and for their own Government and Direction in receiving, classifying, and considering the Applications which may be made to them thereunder, and generally in discharge of their Duties under this Act, as they shall think fit; and that having duly considered and digested such Rules and Regulations, they shall submit the same to the Commissioners of His Majesty's Treasury for the Time being, to be by them revised, altered, or confirmed, and the same shall be revised, altered, or confirmed accordingly; and the said Commissioners for the Execution of this Act shall, according to the true Purport and Meaning of such Rules and Regulations, so revised, altered, or confirmed, from and after a Day to be by them publicly notified by a Notice inserted in the *Dublin Gazette*, proceed from Time to Time to receive, or authorize their Secretary to receive, and they shall take into consideration, all such Applications as may be made to them under and conformably to the said Rules and Regulations: Provided always, that it shall be lawful for the said Commissioners, from Time to Time, with the Approval or by the Direction of the Lords Commissioners of His Majesty's Treasury for the Time being, to amend, vary, or annul the said Rules and Regulations established as aforesaid, or to adopt new Rules and Regulations, as the Case may require; which Rules and Regulations so altered or varied, or which new Rules and Regulations, shall be to all Intents and Purposes as valid, obligatory, and effectual as the Rules and Regulations originally established as aforesaid.

Particulars which the Rules and

XIV. And be it enacted, That the Rules and Regulations to be established in manner aforesaid shall contain Provisions requiring in all

Regulations shall comprise.

all Cases the Production of such detailed Estimates, Maps, Plans, or Specifications as may be applicable or suitable to the Nature of the respective Works for the Execution or in aid of which any Application may be made, accompanied by Statements distinctly exhibiting and describing the general Nature and Object of each Work, and the Provision made or to be made for the future Maintenance, Repair, and Preservation thereof, and what, if any, Rate, Toll, Custom, Profit, or other such Payment may issue or be expected to accrue therefrom, and the Uses to which any such Payment may be applicable, and the Charges or Liabilities in any respect attaching thereon, as well as the estimated Cost of executing or completing the whole proposed Work, and the several other Matters and Things by any of the Provisions of this Act required and appointed to be stated or observed; and that Copies of such Rules and Regulations, embodying the Requisitions of this Act, and such further Requisitions as may be judged needful or expedient by the Commissioners as aforesaid, subject to such Revision, Direction, and Sanction as aforesaid, shall be published and distributed in such Manner as by the said Commissioners may be deemed proper, for the Information of Persons desirous of making Applications under this Act.

Commissioners to enter in a Book Applications in such a Manner as to exhibit the Nature and Object of each Application and to allow of the Classification of all Applications.

XV. And be it enacted, That the said Commissioners for the Execution of this Act shall enter in a Book, to be by them for that Purpose provided, all such Applications as shall be made to them conformably to the Provisions of this Act, and that such Book shall be in such Manner prepared as to exhibit in a convenient Form the Nature and Object of each Application, and the Conformity of such Application with each and every of the Rules and Regulations established as aforesaid, and also so as to admit of the Classification of all such Applications according to the comparative Merits of the same, in respect of the Description and Certainty of the Security offered for Repayment of the Advances applied for, the shorter or longer Period at which it may be proposed to make such Repayment, the Manner thereof, and whether by Instalments or not, and if by Instalments the Periods at which such Instalments are to commence and the Intervals at which to be continued, and also the Obstacles or Difficulties which may exist to prevent the Execution of such Works in case no such Loan or other Assistance is given, as well as the Benefit which may arise from the Work in affording present Employment for the labouring Classes of the People, and the increased Industry and permanent Demand for Labour which may grow thereout.

Commissioners to appoint a Surveyor to inspect proposed Works, and ascertain Correctness of Estimate, &c.

XVI. And be it enacted, That the Commissioners for the Execution of this Act shall proceed with all convenient Dispatch, upon the Receipt of all such Applications as may be made to them from Time to Time under the Provisions of this Act, to take the same into their Consideration, and shall examine the Statement, Maps, Plans, Specifications, and Estimates accompanying such Applications, and shall, if they shall so think fit, direct and appoint some competent Surveyor or Surveyors to inspect the proposed Work or Works, and to examine into the Accuracy of all such Maps, Plans, Specifications, and Estimates, and to investigate the general Object, Utility, and Nature

of the proposed Work or Works, and report thereon to the said Commissioners; and the Expence attendant upon such Application, Inspection and Examination, Investigation and Report, shall be defrayed by the Parties making the Application; and such Parties shall, when thereunto required, in the first place deposit, as the said Commissioners shall direct, a Sum adequate to defray such Expence; and the said Commissioners for the Execution of this Act shall, upon such Report, and after good Advice, Information, and Deliberation, having due Regard to the Intent and Objects of this Act, and the several Circumstances herein-before specified as Points to be noted in the Classification of Applications under this Act, decide upon each Application, and whether the same be in their Judgment proper to be complied with or rejected, and whether wholly or in part, and what (if any) Sum of Money it might be proper to advance, and when and how payable, and at what Rate of Interest, subject to the Regulations herein-after contained in respect thereof, the same ought to be advanced, and what Security to be required, and, in Cases where they shall so think fit, whether any and what Modification of such Application might be proper to be complied with; and the said Commissioners for the Execution of this Act shall transmit a Copy of such their Decision to the Lords Commissioners of His Majesty's Treasury, together with an Extract or Extracts of so much of the Entries in the Book which they are herein-before directed to prepare and keep as may refer or belong to the Application on which such Decision is made, so as to show fully the Grounds and Reasons therefor.

No Money to issue without the Sanction of the Treasury.

XVII. And be it enacted, That no Advance under this Act, for or on account of any Work, or in compliance with any Application, shall be made, until the same shall have been first submitted to and sanctioned by the Lords Commissioners of His Majesty's Treasury; any thing in this Act contained to the contrary notwithstanding.

All Persons receiving Advances, except Grand Juries, and Commissioners or Trustees for carrying on Works under Authority of Parliament or the Lord Lieutenant, to enter into Security for the Purposes after mentioned.

XVIII. And be it further enacted, That all and every Person and Persons, save as herein-after excepted, to whom Advances may be made for the Use of any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, in *Ireland*, or for any other Purposes, under the Provisions of this Act, shall, besides the Securities in each Case respectively herein-after directed to be taken, previously enter into Security by Writing Obligatory to our Sovereign Lord the King, in such penal Sum or Sums of Money as shall be directed by the Commissioners for the Execution of this Act, by such Form of Words as Obligations to the King's Majesty have been used to be made, for the full Performance of such Conditions to be thereunder written as by such Commissioners shall be deemed proper; and that such Commissioners shall have Power and Authority to take and cause such Writing Obligatory to be made and entered into; and that all such Obligations to be so made shall be good and effectual in Law to all Intents and Purposes as any Obligation made to our Sovereign Lord the now King, or His Predecessors, or any of them, hath at any Time heretofore been or now is adjudged, received, or taken to be, any Law, Usage, or Custom to the contrary notwithstanding; provided that it shall not be necessary to take or require any such Security in case of Loans or Advances made to any Grand Jury,

Jury, or Corporation or Company, or Commissioners, Directors, or Trustees for carrying on any Work or Works under Authority of Parliament or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

What shall be contained in Writings Obligatory.

XIX. And be it further enacted, That every such Writing Obligatory or Security shall contain a Clause or Condition binding the Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, to whom any Advance shall from Time to Time be made under Authority of this Act, to apply the Monies so advanced to and for the Purposes specified in the Application, Plan, and Specification delivered pursuant to the Provisions herein-before contained, and to no other Purpose whatsoever; and also well and truly to account to the said Commissioners for the Execution of this Act, in such Manner as they may be directed by the Commissioners of His Majesty's Treasury, for the Employment, Expenditure, and Disbursement of the Monies so advanced; and also to lay before such Commissioners, whensoever and so often as may be required, a Statement or Report of the Progress of the Works begun and then going on, and also of such further Sums as may be necessary for the Completion of such Works; and also, if so required, to lay before the said Commissioners, as well during the Progress as at the Completion thereof, all such Contracts and Agreements as may have been entered into by the said Person or Persons, Body or Bodies Corporate or Politic, Company or Companies, for the Execution of the Works for which such Money shall be or have been advanced; and also to permit, at all such Times as such Commissioners shall desire, the Inspection by such Commissioners, or any Person or Persons duly authorized by them for that Purpose, of all the Works, Papers, Contracts, Agreements, and Accounts thereunto belonging; and that if it shall at any Time appear to the said Commissioners that the Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, to whom any such Advance may have been made or agreed to be made, have deviated or are proceeding to deviate from the original Plan or Specification delivered as aforesaid by such Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, to such Commissioners, and whereon it may have been agreed upon to make such Advance, then and in such Case it shall and may be lawful for such Commissioners, at their Discretion, to suspend or discontinue making any Advance for the Completion of such Work or Works, any Agreement, Stipulation, or Contract made by such Commissioners with any such Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, to the contrary notwithstanding; and such Commissioners shall forthwith report to the Commissioners of His Majesty's Treasury such Deviations or designed Deviation, and the Suspension or Discontinuance of such Advance; and thereupon such Commissioners of the Treasury for the Time being shall take such Report into their Consideration, and make such Order concerning the same as shall to them seem fit and meet, and shall, upon being satisfied of such Deviation having been made or intended to be made, have Power and Authority, at their Discretion, to wholly avoid any Contract, Agreement, or Stipulation made by the Commissioners for the Execution of this Act with

Commissioners may suspend Advances in case of Deviation from original Specification and Plan;

and report to the Treasury, who may authorize Commissioners to avoid any Agreement for the further Advance of Money.

with any such Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, and to absolve such Commissioners therefrom, and the same shall thereupon become utterly null and void as against such Commissioners: Provided always, that it shall and may be lawful nevertheless to put in Suit such Writing Obligatory entered into as herein-before directed; and provided always, that if at any Time it shall be made to appear to the Satisfaction of such Commissioners that there are good and sufficient Grounds and Reasons to warrant or recommend a Deviation from such original Plan or Specification, then and in such Case it shall and may be lawful for such Commissioners, with the Consent and Approbation of the Commissioners of His Majesty's Treasury, to allow and permit of any Alteration in such original Plan or Specification, as to such Commissioners for the Execution of this Act shall seem proper; and a Memorandum of such Deviation shall be made upon such Writing Obligatory to our Lord the King as has been herein-before directed to be entered into, and the same shall be taken as Part of such Writing Obligatory, and taken and construed therewith; and, if necessary, a new Plan or Specification shall be made, and the same shall be taken in lieu of the former Plan or Specification, or annexed thereto, and be to all Intents and Purposes alike valid, obligatory, directory, and descriptive of the Work or Works to be executed as the original Plan or Specification, and so of any further or other Deviation which may be at any Time permitted and sanctioned in manner aforesaid.

Commissioners, with Consent of Treasury, may permit any Deviation on good Cause shown.

XX. And be it further enacted, That after the due Payment of the Monies, with Interest thereon, in respect of the Loan or Advance whereof any Obligation may have been entered into in pursuance of this Act, the same, being fully satisfied according to the true Intent and Meaning of this Act, shall be forthwith delivered up to be cancelled; and in case any such Obligation shall have been prosecuted according to the Directions of this Act, the Commissioners for the Execution of this Act shall by their Warrant or Warrants direct the proper Officer or Officers of the Court of Exchequer in *Ireland* to enter up Satisfaction in such Obligation or Obligations, so being satisfied as aforesaid, upon the Record or otherwise, to deliver up the same to be cancelled, as the Case may require.

Obligations to be cancelled, upon their being satisfied.

XXI. And be it further enacted, That in case of any Default made or Condition broken by any Person or Persons who may have become bound by virtue of any Obligation entered into pursuant to the Provisions of this Act, it shall be lawful for the Commissioners for the Execution of this Act to issue their Warrant or Warrants from Time to Time to their Solicitor for the Time being, requiring such Solicitor presently to proceed against all or any of the Person or Persons making default as aforesaid, his, her, and their Heirs, Executors, and Administrators, for the Recovery of such Sum or Sums as shall be then due and in arrear for or on account of the Advances in respect whereof such Writing Obligatory may have been entered into, and such Costs and Charges attending such Proceedings as shall be by Law payable for the same, not exceeding the Penalty in the said Writing Obligatory limited, the Amount of which Sum or Sums so to be levied the said Commissioners shall cause from Time to Time to be

In case of Default of Obligations, Commissioners to issue Warrant to their Solicitor to proceed against the Persons for the Recovery of the Arrears.

be testified by their Note in Writing under their Hands to such Solicitor, and which Sum or Sums shall be inserted in the Writ of Process; and the like Process shall and may from Time to Time issue as Occasion shall require, and the Sum or Sums so recovered (the Costs and Charges aforesaid excepted) shall be paid into the Bank of *Ireland*, to the Credit and Account of the Commissioners for the Execution of this Act, and applied in like Manner as other Monies paid to the Credit of such Account, without Abatement, Deduction, or Delay, in satisfaction of such Sum or Sums so due and in arrear as aforesaid; and it shall be in the Discretion of the said Commissioners to direct against which of the Obligors in any Security or Writing Obligatory entered into pursuant to the Provisions of this Act Proceedings shall be from Time to Time commenced or prosecuted; and the said Commissioners shall have the Controul and Superintendence of such Prosecutions, and the same shall not be discontinued, quashed, or abated upon any Pretence whatever, without the Authority of the said Commissioners, testified under their Hands and Seals, and exhibited to the Barons of His Majesty's Court of Exchequer in *Dublin*.

In Proceedings against Obligors no Writ of Scire facias requisite.

XXII. Provided always, and be it further enacted, That where any Proceedings shall be directed by the said Commissioners under this Act against any of the Obligors, or any Obligor named in any such Obligation, no Writ or Writs of Scire facias shall be required to be issued; but that upon the Production of the Warrant or Warrants of the said Commissioners before any of the Barons of the said Court of Exchequer, an Extent shall and may issue in the First Process upon the Fiat of such Baron, without any Affidavit or other Verification or Proof of the Cause of such Proceeding than such Warrant or Warrants as aforesaid.

Grand Juries may make Presentments for any Public Works, in order to obtain Advances for the same, payable by Instalments.

XXIII. And be it further enacted, That it shall and may be lawful to and for any Grand Jury of a County, County of a City, or County of a Town, at any Assizes, or, if in the County of *Dublin* or County of the City of *Dublin*, in any Presenting Term, to present any Sum or Sums of Money for the Purpose of any Public Work which it is by the Laws now in force competent for them to present, in order to obtain Advances from the Commissioners for the Execution of this Act, and to set forth in such Presentment that such Sum or Sums of Money shall be raised and levied by half-yearly Instalments of not less than Ten Pounds *per Centum per Annum* of the whole Sum to be expended; and likewise to present a Sum sufficient to pay the annual Interest of such Sum or Sums to be so expended and from Time to Time remaining due, at such Rate not exceeding Five Pounds *per Centum* as may be directed by the said Commissioners; and likewise to include in such Presentment a sufficient Sum to defray the Expences attendant on making Application to the Commissioners for Execution of this Act; and to set forth in such Presentment what Part thereof shall be raised upon any Barony or Baronies, or Half Barony or Half Baronies, or Parish or Parishes, in such County, or on the County at large; and that the Treasurer of such County, County of a City, or County of a Town, shall and he is hereby authorized and required, from Time to Time, without

further Authority or Presentment in that Behalf, to insert in his Warrant at each Assizes or Presenting Term (if in the County or County of the City of *Dublin*) such Portion or Portions of the whole Sum so presented, together with such Sum for annual Interest thereon, not exceeding the Limits aforesaid, as may be fixed and determined by the Commissioners for the Execution of this Act, in case they shall think fit to make any Advance on the Credit of such Presentment, and for the Purpose therein specified; and the Sum inserted in such Warrant, pursuant to the Directions of the said Commissioners, shall be raised and levied from and off the Barony or Baronies, Half Barony or Half Baronies, Parish or Parishes named in such Presentment and Warrant, in like Manner, from Time to Time, and with like Remedy in case of Nonpayment, as all other Money directed by any Warrant of such Treasurer is by Law to be or may be levied.

Commissioners may inspect such Works and suspend Advances in same Manner as with respect to other Advances.

XXIV. And be it enacted, That the said Commissioners, or any Person or Persons by them duly authorized, shall have like Power and Authority to inspect any Work or Works in aid of which any Advance shall have been made on the Credit of any Grand Jury Presentment, as other Works for which Advances may be made under this Act; and that in case of any Deviation or designed Deviation from the original Plan or Specification, the said Commissioners shall and may in like Manner suspend or discontinue Advances agreed to be made on the Credit of Grand Jury Presentments, in like Manner as they are herein-before authorized and empowered to suspend or discontinue other Advances made under the Provisions of this Act.

Certificate of Presentment to be deemed an Application for Advance; and Commissioners, after like Proceedings as in Cases of other Applications, may make them.

XXV. And be it enacted, That when and so soon as any such Presentment as aforesaid shall have been duly certified to the Commissioners for the Execution of this Act by the acting Clerk of the Crown, the same shall be taken to be an Application for a Loan or Advance under this Act; and it shall and may be lawful for the said Commissioners for the Execution of this Act, upon the Delivery to them of such and the like Plan, Map, Estimate, and Specification as herein-before required to be delivered by any Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, making Application for any Advance, and upon and after such Advice and Consideration as afore directed in case of Applications generally under this Act, and by and with the Sanction of the Commissioners of His Majesty's Treasury, to be first had and obtained as aforesaid, to make any Advance upon the Credit of such Presentment, and to fix and determine the Amount of the Instalments by which Repayment is to be made, and the Rate of Interest to be paid on the Advances made, subject to the Limitations in respect thereof contained in the said Presentment and in this Act; and all such Money advanced under Authority of this Act, on the Credit of any Grand Jury Presentment, shall be delivered or paid to the Treasurer of the County, County of a City or Town, for which the same shall have been made, and shall be accounted for by him in like Manner as any other Monies by him received for the Use of such County or Place, and all Securities given or to be given by him or in

Advance to be delivered to Treasurer of County, who shall furnish Accounts of Expenditure,

in his Behalf shall extend to such Money; and such Treasurer shall also, from Time to Time and at all Times when thereunto required by the said Commissioners for the Execution of this Act, furnish to the said Commissioners as they may direct, an Account of all his Disbursements and Receipts in respect of such Advances, and shall prepare the Warrant which he is herein-before directed to prepare for the levying of the Sums to be raised for Payment of the Principal of and Interest on the Advances made by the said Commissioners in pursuance of the Order and Directions of the said Commissioners, certified to him by their Secretary.

Original Presentment may be traversed.

XXVI. Provided always, and be it further enacted, That Presentments by Grand Juries for any Public Work in aid of which any Application for any Advance under the Provisions of this Act is intended to be made shall be subject to such and the like Traverse, and all Proceedings thereon, as other Grand Jury Presentments; but that after any such Presentment shall have been made and fiated, it shall not be lawful for any Grand Jury to restrain the Preparation and Issue of the Warrants which the Treasurer of such Grand Jury ought from Time to Time to prepare and issue agreeably to the Provisions of this Act.

Treasurer of County shall pay Instalments as received to Collector of Excise, for Account of Commissioners.

XXVII. And be it further enacted, That every such Treasurer shall pay to the Collector of Excise of the District wherein such Public Work shall be situate all and every such Sum and Sums as shall from Time to Time be received from the Baronial or other Collectors by virtue of the Presentment and Warrants issued thereafter, on account of which such Money shall have been advanced, until the whole Sum advanced shall be repaid, together with Interest for the same, by such Instalments and at such Rate of Interest as it shall have been agreed that the same shall be repaid by and at; and such Monies shall be paid by such Collector in such Manner and to such Account as the said Commissioners shall direct in that Behalf.

If Money not advanced in Twelve Months, Presentments shall be quashed.

XXVIII. Provided always, and be it enacted, That if any Sum or Sums of Money for Repayment of which any Presentment or Presentments shall have been made shall not be obtained from or granted by the said Commissioners for the Execution of this Act within Twelve Months from the Time of making such Presentment or Presentments, then and in such Case every such Presentment or Presentments for or on account of which such Money shall not have been obtained as aforesaid shall be quashed or vacated by the next going Judge of Assize, or by His Majesty's Court of King's Bench if in the County or the County of the City of *Dublin*, at the Assizes or in the Term, as the Case may be, next after the Expiration of the said Twelve Months, any thing in this Act contained to the contrary notwithstanding; and if it shall so happen that any Money shall have been raised by virtue of any such Presentment or Presentments which shall not be required for the Purposes for which it shall have been so raised, the same shall be carried to the Credit of the County, Barony, Half Barony, or Parish, or of the County of the Town, or of the County of the City, whereon the same shall have been levied, by the

Surplus Money raised shall be carried to the Credit of the County.

the Treasurer of such County, or County of a Town, or County of a City respectively.

Commissioners may take Real or Leasehold Property as Security.

XXIX. And be it enacted, That in Cases of Applications for the Loan or Advance of Money under the Provisions of this Act, the said Commissioners for the Execution of this Act shall require and take Security for Repayment thereof, with Interest, by Mortgages, Assignments, Surrenders, or other competent Assurance, upon the Freehold or Leasehold Estate or Estates of the Body Corporate or Politic, Company or Companies, Commissioners or Trustees, or Party or Persons applying for such Loan or Advance, or of such Party or Person as may be willing to give the same, either as Principal or Surety.

Commissioners may make Advances on Mortgage of existing Tolls, to be repaid by Instalments;

XXX. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act to make Advances under this Act in Aid, Extension, or Improvement of any Work from which Rates, Rents, Tolls, or Profits shall be accruing or arising, and have accrued or arisen for a Term of Seven Years previous, and have yielded during such Term of Years a clear average annual Surplus, beyond all Charges of Management, Repairs, and other Outgoings, to an Amount at least Double that of the Interest required by such Commissioners on the Sum proposed to be advanced; and that in all such Cases the said Commissioners for the Execution of this Act shall require the Repayment of the whole Principal Money advanced within a Period of Twenty-five Years from the Date of the said Advance, such Repayment to be made by Instalments, the first whereof to be made and payable within the Period of Five Years at farthest from the Date of such Advance, and the remaining Instalments to be made and payable at such future Times within the said Period of Twenty-five Years as the said Commissioners shall appoint, together with Interest at a Rate not less than Four Pounds *per Centum per Annum* on the Principal from Time to Time remaining due; and that in order to insure the Repayment of the said Amount of Principal and Interest by such Instalments and within such Period as aforesaid, the Commissioners for the Execution of this Act shall and may take and require Mortgages, Assignments, or other competent Assurance on such Work or Undertaking, and on all Property of what Nature or Kind soever belonging thereto, and on the Rates, Rents, Tolls, Profits, and Receipts, of what Nature or Kind soever, accruing or which may at any Time thereafter accrue, arise, or be taken, collected, or received by or for the Use of the Body Politic or Corporate, or Company of Proprietors, Trustees, or Commissioners, or other Parties or Persons interested in the Work or Undertaking in respect or in aid of which such Advance may be made.

or where no Tolls are in existence, if it be proved to their Satisfaction that future Tolls will be suffi-

XXXI. Provided further, and be it enacted, That it shall and may be lawful to and for the said Commissioners for the Execution of this Act to make Advances under this Act in Aid, Extension, or Completion of any Work projected or in part completed, and which may not yield any present Rate, Rents, Receipts, Tolls, or Profits, or which may yield any Rates, Rents, Tolls, or Profits less in Amount than Double

cient to pay Principal and Interest in 25 Years by Instalments, and One Third of Amount of estimated Expence subscribed for, taking a Mortgage of the Works.

the Amount of the Interest on the Advance sought for as aforesaid; provided that it shall be proved to the Satisfaction of the said Commissioners, upon competent Evidence, accompanied by the Certificate of a skilful Engineer or Surveyor, to be approved of by the said Commissioners, that Rates, Rents, Receipts, Tolls, or Profits adequate to the Payment and Discharge of the said Loan by Instalments, the first thereof to be made within Five Years as aforesaid, and the whole completed within the Period of Twenty-five Years from the Date of the said Advance, together with Interest at a Rate not less than Four Pounds *per Centum per Annum* on the Principal from Time to Time remaining due, may be reasonably calculated upon and expected to accrue or arise from such Work or Undertaking; and provided further, that the Corporation, Commissioners, Trustees, Directors, Company, Party, or Persons undertaking or carrying such Work into execution shall expend, subscribe for, secure, or deposit, in such Manner as the said Commissioners shall direct, before any Advance shall be made under the Provisions of this Act, a Sum equal to not less than One Third Part of the estimated Costs of the Construction or Completion of such Work as aforesaid; and that in such Cases it shall and may be lawful for the said Commissioners for the Execution of this Act to take and require, as a Security for the due Payment of the Principal and Interest on such Advance, by such Instalments and at such Rate of Interest as aforesaid, and subject to such other Clauses, Restrictions, Conditions, and Regulations as the said Commissioners shall think fit and necessary, a Mortgage or Assignment of the said Work, and of all Property of what Nature or Kind soever belonging thereto, and of all Rates, Rents, Receipts, Tolls, or Profits which shall in anywise accrue or arise or issue out of or from such Works.

Commissioners may make Advances for draining Lands in certain Cases.

XXXII. Provided further, and be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act to make Advances in aid of the Drainage, Embankment, Reclaiming, or other Improvement of Land, on the Credit of Mortgages, Assignments, or other Assurances of the Estate and Interest, Freehold or Leasehold, in such Land which is to be the Subject of such Drainage, Embankment, Reclamation, or other Improvement: Provided always, that it shall be made out to the Satisfaction of such Commissioners by competent Evidence, accompanied by the Certificate of a skilful Engineer or Surveyor, approved of by the said Commissioners, that such Drainage, Embankment, Reclamation, or other Improvement when completed will increase the Value of such Land in the Proportion of at least Ten *per Centum* on the Sum proposed to be expended thereon, and that a Contract, with Two good and sufficient Sureties, to be approved of by the said Commissioners, shall be previously made and entered into for the full and complete Execution of such Drainage, Embankment, Reclaiming, or other Improvement, at and for a Sum not exceeding the Amount of the Advance sought therefor, within a Period, to be fixed by the said Commissioners, not exceeding Seven Years from the Date of such Advance; and that in all such Cases the whole Amount of such Advance shall be made repayable within Three Years next after the Period so fixed for the Completion of such Drainage, Embankment, Reclaiming, or other

Loans to be repaid when Works are completed.

Improvement, with Interest thereon in the meanwhile at a Rate not less than Five Pounds *per Centum per Annum*, payable half-yearly, as the said Commissioners shall fix and appoint.

Where Advances are made for Extension of any Work, on Mortgage of Rates, &c., such Mortgage to extend to all Works executed or to be executed.

XXXIII. Provided always, and be it enacted, That in Cases where any Extension or Addition to or Improvement of any Road, Railway, Canal, or other Work whatsoever shall or may be proposed, such Security by way of Mortgage, Assignment, or other Assurance upon any Tolls, Rates, Rents, Receipts, or Profits accruing and issuing, or expected to accrue and issue therefrom or thereout, shall not be limited to the proposed Extension, Addition, or Improvement, but shall extend to and comprise such Part or Portion of the whole Line of such Road, Railway, or Canal, and such Part of the entire Work, and all Rates, Rents, Tolls, Profits, or Receipts, and all other the Revenues and Profits arising or accruing or to arise or accrue from such Part or Portion of the whole Line or Work, to or to the Use of the Body Corporate or Politic, Company, Commissioners, Trustees, Party, or Persons interested in such Road, Railway, Canal, or other Work, as the Commissioners for the Execution of this Act shall deem to be needful or sufficient Security.

Commissioners may take Mortgage of Tolls, Rates, &c. as sole Security, where Works are carried on under the Authority of Parliament, and where no Dividend or Profit is payable thereout;

XXXIV. Provided always, and be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, in Cases where any Public Work from which no Dividend or Profit shall issue or be payable to any Person or Persons shall be carried on under the Management and Direction of any Corporation or Commissioners, or Trustees or Directors, acting under the Authority of Parliament, to make Advances upon the Credit of any Rates, Rents, Receipts, Tolls, or Profits which are or shall be levied, paid, and applied under the Authority or Controul of such Corporation or Commissioners, or Trustees or Directors last-mentioned; and in such Cases to take and require, as the Security for such Advances, such Mortgages, Assignments, or other Assurances as in Cases of other Advances made under the Provisions herein contained on the Credit of Rates, Rents, Tolls, Receipts, or Profits arising out of Public Works: Provided always, that such Advances shall be repaid by like Instalments within the said Period of Twenty-five Years, the first whereof to be made within Five Years from the Date of such Advance as aforesaid, with Interest on the Principal from Time to Time remaining unpaid, at a Rate not less than Four Pounds *per Centum per Annum*, in like Manner as is herein-before provided in respect of Advances made in other Cases on the Credit of Rates, Rents, Tolls, Receipts, or Profits.

Commissioners may take Deposit of Bank or Government Stock, or Exchequer Bills or India Bonds, as chief or collateral Security;

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act, in the Place of such real or other Security or Securities as they are herein-before empowered and directed to take and require, or as collateral thereto, to accept and take, as Security for any Loan or Advance to be made under the Provisions of this Act, Deposits or Transfers of Bank or Government Stock, Exchequer Bills, or *India* Bonds, which shall be assigned, transferred, or deposited for that Purpose as the said Commissioners shall direct; and all such Bank or Government Stock, Exchequer Bills, and *India* Bonds, so assigned, transferred, or deposited,

deposited, shall, in default of Payment of such Loan, with Interest due thereon, in the Manner directed and appointed by the said Commissioners for the Execution of this Act, become and be absolutely vested in the said Commissioners, and shall and may be sold and disposed of, or the Monies due or payable by virtue thereof shall and may be sued for in due Course of Law, in the Name of their Secretary for the Time being, for the Use of the said Commissioners under this Act.

or may take Personal Security as a collateral Security.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, in all Cases of Loans or Advances made under this Act when they shall think the same necessary or expedient, to require and take, in addition, and as in chief, or collateral to the other Security or Securities herein-before appointed to be respectively required and taken in the several Cases before specified of Applications under this Act, Security for the Repayment of such Loans or Advances, either by a separate Recognizance, or by a Clause or Condition inserted in or underwritten on such Writing Obligatory to our Sovereign Lord the King as it has been herein-before provided that the said Commissioners shall require and take for the due Application and Employment of the Money advanced, and of like Force, Validity, and Effect.

Commissioners may make Advances on Personal Security alone.

XXXVII. Provided further, and be it enacted, That it shall and may be lawful for the said Commissioners in the Execution of this Act to make Loans or Advances under this Act, upon Applications duly made in conformity to the Provisions of this Act, on Security by Writing Obligatory alone, provided that no such Loan or Advance shall be made for any One Work or Undertaking to a greater Amount than One thousand Pounds; and provided further, that the Party or Parties making such Application shall previously expend, subscribe for, secure, or deposit, in such Manner as the said Commissioners shall direct, a Sum equal to not less than One Half of the estimated Costs of the Completion or Construction of the proposed Work; and that in all Cases of Advances made on such Security alone the said Commissioners shall require Repayment of the whole Principal Sum advanced within a Period of Five Years from the Advance thereof, with Interest on the same in the meantime at a Rate not less than Five Pounds *per Centum per Annum*, payable half-yearly; and such Writing Obligatory shall be made to our Sovereign Lord the King, and entered into by at least Three Persons, the Sufficiency and Solvency of whom shall be clearly made out to the Satisfaction of the said Commissioners; and such Writing Obligatory shall be in a Sum at least Double the Amount of the Advance made on Security thereof, to be paid to our said Lord the King, by such Form of Words as Obligations to the King's Majesty have been used to be made, and with such Conditions to be thereunder written as by such Commissioners shall be deemed proper; and all such Obligations to be so made shall be good and effectual in the Law, and shall be of the same Quality, Force, and Effect to all Intents and Purposes as any Obligation made to our Sovereign Lord the now King or His Predecessors, or any of them, hath at any Time heretofore been or now is adjudged, received, or taken to be, and shall

and

and may be dealt with and proceeded upon in all respects as any Obligation entered into by virtue of the Provisions of this Act.

Limiting Advances on Personal Security.

XXXVIII. Provided, and be it enacted, That the Amount of the several Advances made on Security by Writing Obligatory alone, as herein-before provided, at any One Time outstanding, shall not in the whole exceed the Sum of Fifty thousand Pounds.

Interest to be paid half-yearly at One Half per Cent. above current Rate.

XXXIX. And be it enacted, That the Commissioners for the Execution of this Act, in Cases of Loans or Advances not otherwise specially provided for, shall require that the Interest on the same shall be paid half-yearly, at the Rate of not less than Ten Shillings *per* Hundred Pounds *per Annum* above the Rate of Interest on the Exchequer Bills which shall be made out and issued for the Purpose of providing for such Loans or Advances.

Advances to be repaid by Instalments, except as otherwise provided for.

XL. And be it enacted, That the Commissioners for the Execution of this Act shall require that the Repayment of all Advances, except as herein otherwise provided, be made by Instalments, the first to commence within a Period not exceeding Five Years next after such Advances shall be made respectively, and the other remaining ones to be completed within Twenty-five Years from the Time when the first Advance shall be made.

Bodies Politic and Corporate, and Trustees, may mortgage Funds or Estates of their respective Trusts to Commissioners only, as Security for Advances to be made to them.

XLI. And whereas it is expedient to facilitate and promote the Application of the private Funds and Estates of Bodies Politic and Corporate, and of Companies, Trustees, and Commissioners acting under the Authority of Parliament or Charter, and of Companies and Proprietors acting under Deeds of Settlement, in the Execution and making of Roads, Bridges, Canals, Harbours, Piers, Railways, Drainages, or Embankments, and other Works for the Promotion of which it is contemplated to make Advances under the Provisions of this Act; be it therefore enacted, That it shall and may be lawful for any Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Directors, Proprietors, or other Party or Persons acting under Authority of Parliament, Charter, or Deeds of Settlement as aforesaid, to mortgage and assign to the Commissioners for the Execution of this Act only, in Trust, any Estate, moveable Chattels, Funds, Tolls, Rates, and other accruing Profits whatever of or to which such Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Party or Persons may be or become seised, possessed, or entitled, for the Purpose of securing the Repayment of any Advance, with Interest thereon, which the said Commissioners for the Execution of this Act shall have made or shall think fit to make to the said Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Party or Persons respectively, any Act or Acts of Parliament relating to such Body or Bodies Politic or Corporate, Companies, Commissioners, or Trustees, or to any such Works respectively, or any other Act or Acts in force, to the contrary notwithstanding, and notwithstanding such Body Corporate or Politic, Commissioners, Trustees, Company, Proprietors, or other Parties or Persons may not or have not, otherwise than by this Act, Right, Power, or Authority to make or execute

any Mortgage or Assignment in Trust as aforesaid, or in any Manner to encumber or charge, forestall or anticipate, the Profits of any Lands, Tolls, Rates, or other Funds; and all Mortgages and Assignments in Trust to such Commissioners for the Execution of this Act, for the Purpose aforesaid, shall be good, valid, and effectual in Law; and such Commissioners are hereby authorized, with the Consent of the Commissioners of His Majesty's Treasury, to make Advances on the Security of such Estates, moveable Chattels, Funds, Tolls, Rates, and accruing Profits as aforesaid, subject always to the Limitations and Conditions herein-before specified, and reserving the like Power of suspending any Advances which may have been agreed upon, and also the like Power and Authority to visit and inspect, by themselves or their Agents, all Works in aid of which any such Advance may have been made, and to call for and require all Papers, Accounts, and Contracts thereunto belonging, and generally to do all such Acts as they are herein-before required and authorized to do in the Case of other Advances made under the Provisions of this Act; and all and every Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Parties or Persons, applying for or receiving such Advances, shall deliver in the like Plans, Specifications, Maps, and Estimates, and shall permit the Inspection of such Works, Papers, Contracts, and Accounts thereunto belonging, and deliver in Accounts of the Progress of the Works, and do and acquiesce in all such other Acts and Things, in such and the like Manner as any other Person or Persons applying for or receiving any Advances from the Commissioners for the Execution of this Act are herein-before authorized and required to do and acquiesce.

Securities given to Commissioners to have Priority, except over Securities previously existing;

XLII. And be it further enacted, That all such Mortgages, Assurances, Assignments, and other Securities as may be made by any Bodies Politic or Corporate, Trustees, Commissioners, Companies, or Persons or Parties as aforesaid, to the said Commissioners for the Execution of this Act, for the Purpose of securing the Repayment, with Interest, of any Advances made by the said Commissioners, shall have Priority over and shall precede all other Securities, and all Dividends or Division of Profit or Interest upon any Sums lent, advanced, or contributed for the carrying on or completing of any such Canal, Road, Railway, or Work, save and except such Sums as shall have been theretofore advanced by way of Loan, and for securing of which said precedent Advances Mortgages, Assignments, or other Assurances or Securities shall have been previously given and executed to any Person or Persons *bonâ fide* Creditors, and entitled as such to the Repayment of the Principal Money advanced by them, as well as Interest thereon, any thing contained in any Act or Acts of Parliament, Charter, or Deed of Settlement relating to any such Canal, Road, Railway, or Work in aid or respect of which any such Advance may have been or shall be made under the Provisions of this Act, or any Estate or Interest of such Body Politic or Corporate, Company, Proprietors, Commissioners, or Trustees, or Parties or Persons as aforesaid, to the contrary in anywise notwithstanding.

and over such Securities if Four Fifths of the Parties holding them shall concur.

XLIII. Provided always, and be it further enacted, That in every Case in which Four Fifths in Value of the Persons holding prior Mortgages, Assignments, or other Securities on such Canals, Roads, Railways, or Works in respect of which Application shall be made for any Advance under the Provisions of this Act, shall agree and signify their Consent in Writing that a Priority over the Securities held by them respectively shall be given to the Commissioners for the Purposes of this Act, then and in such Case the Mortgages, Assignments, or other Securities given by the Body Politic or Corporate, or Company of Proprietors, or Parties or Persons interested in any such Canal, Road, Railway, or Work, to the Secretary of the said Commissioners for the Time being, shall have Priority over the Claims of all Persons holding the like Securities, as well such as have not agreed or assented to such Priority as of those who have so agreed as aforesaid, any thing contained in any Act or Acts of Parliament relating to any such Canal, Road, Railway, or Work as aforesaid, or any thing contained in any Mortgage, Assignment, or other Security given to any such Parties respectively, to the contrary notwithstanding.

Mortgages, Assignments, &c. as Security for Advances, to be made in the Name of the Secretary to the Commissioners.

XLIV. And be it enacted, That all and every Mortgage, Assignment, Surrender, or other Assurance, except the Obligations to His Majesty herein-before mentioned, which by any of the Provisions of this Act the Commissioners for the Execution thereof are directed or required to take or require, shall be respectively made to and in the Name of the Secretary of the said Commissioners for the Execution of this Act for the Time being, in Trust for the said Commissioners, by the Name, Style, and Title of the Secretary of the Commissioners for the Extension and Promotion of Public Works in *Ireland*.

In default of Payments of Advance or Interest where secured by Mortgage, Commissioners may take possession and levy Amount by Sale or otherwise.

XLV. And be it enacted, That if Default shall be made in the Repayment of all or any Part of any Loan or Advance, or of the Interest on such Loan or Advance, which shall be secured to the Commissioners for the Execution of this Act, in part or in the whole, by any Mortgage, Assignment, or other Assurance of or on any Interest, Property, or Effects whatsoever (Real, Chattel, or Personal), it shall and may be lawful for the said Commissioners, or such Person or Persons as shall be nominated and authorized in manner aforesaid by any Two or more of them, without any other Process or Writ, to enter upon and to take possession of all or any Parts or Part of such mortgaged or assigned Interest, Property, or Effects, and by Sale or Mortgage of the same, or a competent Part thereof, to raise and levy such Sum or Sums of Money as shall be sufficient to repay all Monies due and in arrear upon or in respect of such Loan or Advance, and the Interest thereof, and all Costs as between Attorney and Client, and other Charges whatever attending such Proceedings; and the Monies so recovered (the Costs and Charges aforesaid excepted) shall be paid and applied in and towards the Reimbursement and Satisfaction of the Sum due upon and in arrear in respect of such Loan or Advance or Interest in like Manner as the Sums of Money to be recovered by Suit or Course of Law under the Proceedings authorized by this Act in default of Payment are directed to be paid and applied; and the Receipt of such Person or Persons as the said Commissioners shall nominate and appoint as aforesaid shall alone be a full

a full and sufficient Discharge to all and every Person and Persons whatsoever, and by whatever Title claiming or howsoever entitled or deriving, for any Money or Monies advanced on Mortgage, or for the Purchase Money or Purchase Monies of the respective Interest, Property, or Effects so mortgaged or sold; and such Mortgagee or Purchaser or Mortgagees or Purchasers, or other Person or Persons, shall not be bound to see the Application thereof, nor shall be liable or in any Manner accountable for the Misapplication or Nonapplication of such Money or Monies by the Person or Persons appointed by the said Commissioners as aforesaid, or any of them.

Upon taking possession of any Property mortgaged, all the Rights relating thereto shall be vested in the Secretary of the Commissioners.

XLVI. And whereas the said Commissioners for the Execution of this Act may advance sundry Loans to Corporate Bodies, Companies of Proprietors, Commissioners, Directors, or Trustees interested in and carrying Works of a public Nature by virtue of Charters or Deeds of Settlement and otherwise, or under Authority of Parliament, and it is expedient to provide for the Transfer to the said Commissioners, and the Exercise by them of the Rights, Powers, and Authorities of the said Corporate Bodies, Companies of Proprietors, Commissioners, Directors, or Trustees interested in carrying on such Works; be it therefore enacted and declared, That in all Cases whatsoever in which Mortgages, Conveyances, Assignments, or other Assurances shall be made to the said Commissioners or their Secretary for the Time being by any Corporate Bodies, Company or Companies of Proprietors, Commissioners, Directors, or Trustees, or Party or Persons interested in and carrying on any Work, whether by virtue of any Charter or Deed of Settlement, or under the Authority of Parliament or otherwise, and which Mortgages, Assignments, or Assurances shall be made as a Security for any Loan or Advance under this Act, that all Estate, Right, Title, Interest, Privileges, Powers, and Authorities, of what Nature or Kind soever, over or in respect of the Works mortgaged, which at the Time of making such Mortgages, Assignments, or Assurances were or thereafter may be vested in and exercised by the said Corporate Bodies, Companies of Proprietors, Trustees, or Commissioners, Directors, Party or Persons respectively, shall, under and by force of the said Mortgages, Assignments, or Assurances, become vested in the Secretary to the said Commissioners from and for such Period as the said Commissioners shall, by virtue of the Provisions herein-before made, take and hold possession of the Property which may be so mortgaged, assigned, or assured to them or the said Secretary in manner aforesaid; and that upon any Sale or Sales thereof which may be made by the said Commissioners under the Authority of this Act, it shall and may be lawful for the said Commissioners to direct their said Secretary, or his Successor for the Time being, to convey, assign, assure, and make over any Interest, Property, or Effects whatsoever upon which all or any Part of any Loan or Advance shall be secured under the Provisions of this Act, to any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, Trustees, Directors, or other Person or Persons whomsoever who shall become the Purchasers thereof or any Part thereof; and upon such Conveyance and Appointment being so made in manner aforesaid, and in case of any Reconveyance, the Body or Bodies Politic or Corporate, or

Company

Company or Companies of Proprietors, Trustees, Directors, or other Party or Persons to whom the same shall be made as the Purchaser or Purchasers thereof or any Part thereof, or as otherwise entitled to a Conveyance or Reconveyance of the same or any Part thereof, shall, from the Date of such Conveyance, Reconveyance, Assurance, or Assignment, become seised and possessed and entitled to and invested with all the Estate, Right, Title, Interest, and Privileges, and fully authorized and empowered to exercise and put in force all Rights, Powers, Privileges, and Authorities whatsoever theretofore vested in or which might have been exercised by the said Corporate Bodies, Companies of Proprietors, Commissioners, Trustees, Directors, Party, or Persons interested in and carrying on the said Works in respect thereof at the Time of the Execution of such Mortgages, Assurances, or Assignments to the Commissioners or their Secretary for the Time being for the Purpose aforesaid, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

If Persons neglect to take Tolls, or make Default in Payment of Instalments, Commissioners may appoint Person to receive Tolls.

XLVII. And be it further enacted, That in every Case in which any Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons, having the Care, Management, or Controul of any Work in aid or for the Construction whereof any Advance shall be made under this Act, on the Credit of any Tolls, Rates, Receipts, Rents, or Profits accruing or arising thereout or therefrom, shall neglect or refuse to raise, collect, or receive such Rates, Rents, Tolls, Receipts, or Profits, or shall make Default in the Payment of the Instalments and Interest which may accrue due on any Mortgage, Assignment, or other Assurance or Security to be given and executed to the Secretary of the said Commissioners in manner aforesaid, it shall and may be lawful for the said Commissioners and they are hereby authorized, in addition to all other Remedies provided by this Act, to make an Order under the Hands and Seals of any Two or more of them, to such Person or Persons as they may think fit, authorizing and requiring such Person or Persons to collect, seize, take, and receive such Rates, Rents, Tolls, Receipts, or Profits then collected and taken by or accruing or arising to or for the Use of the Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons so refusing or making Default; and the Person or Persons to whom such Order shall be directed is and are hereby authorized, immediately on receiving such Order, by himself or themselves, or such other Person or Persons as he or they shall employ for the Purpose, forthwith to take possession of the Locks, Toll Gates or Bars, and Toll Houses of the Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons so refusing or neglecting or making Default as aforesaid, and to take, collect, and receive, and to let, lease, and demise, from Time to Time, the Rates, Rents, Tolls, Receipts, or other Profits which such Trustees, Corporation, Company, Proprietors, Commissioners, or other Parties or Persons would or might otherwise have taken, collected, and received; and the said Person or Persons so executing the said Order shall continue in Possession of the said Locks, Toll Gates or Bars, and Toll Houses, and continue to take, collect, and receive the said Rates, Rents, Receipts, or other Profits, and account for the same to the said Commissioners for the Execution of this Act,

until the Principal Sum advanced by the Commissioners for the Execution of this Act to the Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons so refusing or neglecting or making Default, together with the Interest thereon, and the Costs, Charges, and Expences of taking such Possession as aforesaid, shall be fully paid and discharged: Provided always, that nothing herein contained shall extend or be construed to extend to invalidate or affect any existing Lease or Leases of the said Rates, Rents, Tolls, Receipts, or other Profits; but in case of any such existing Lease or Leases, the Lessee or Lessees shall and are hereby authorized and required to pay to such Person as the said Commissioners shall appoint in that Behalf all such Rent or Rents as may have been reserved upon such Lease or Leases, upon receiving a Notice in Writing requiring such Payment, under the Hands of any Two of such Commissioners; and the Receipt of the said Commissioners for such Rent or Rents shall be a good and sufficient Discharge and Acquittance to such Lessee or Lessees, for so much as shall be therein expressed to have been received, against all Persons whatsoever; and the said Commissioners shall have all such and the like Remedies for enforcing the Payment of such Rent or Rents of and from such Lessee or Lessees as the Lessor or Lessors making such Lease or Leases may or might have under such Lease or Leases.

Proprietors or Shareholders of unfinished Work may be called upon for Money to complete the same, in case the Expence exceed the Estimate.

XLVIII. And be it further enacted, That in every Case in which any Loan or Advance shall be made in aid of any Work to be undertaken, or upon any incomplete Work or Undertaking as aforesaid, not in the Receipt of any Rate, Rent, Tolls, Receipts, or Profits, or in the Receipt of any Rate, Rent, Tolls, or Profits which may or shall prove inadequate to the Repayment of such Loan or Advance and the Interest thereon in manner aforesaid, the said Commissioners shall and they are hereby authorized, if they shall so think fit, to make Calls on the Proprietors or Shareholders of and in the said Work or Undertaking, in proportion to the Amount of their respective Subscriptions as Proprietors or Shareholders therein, for such Sum or Sums of Money as may be necessary to complete the said Work or Undertaking, in case the Expence of completing the same shall exceed the Sum estimated for the Completion thereof at the Time of the Application for the said Loan or Advance; and in default of Payment of the said Calls within Six Calendar Months from the Date of the same being applied for, (and which Application the said Commissioners are hereby authorized to make by a Notice to be left at the usual Place of Abode of the Parties respectively liable to pay the same by such Person or Persons as the said Commissioners may appoint,) it shall be lawful for the said Commissioners, in the Name of their Secretary for the Time being, to sue for the same or any Part thereof in any Court of Law or Equity.

Any Rights or Titles vested in the Secretary to the Commissioners, by virtue of his

XLIX. And be it enacted, That in all Cases in which, by virtue of this Act, any Title, Right, or Interest in or to any Real or Personal Estate, Effects, Rates, Rents, Tolls, Receipts, Profits, or other Property, shall be vested in, conveyed, assigned, transferred, made payable, or secured to the Secretary of the Commissioners for the Time being for the Execution of this Act, as such Secretary in respect of

his Office, all such Real and Personal Estate, Effects, Rates, Rents, Tolls, Receipts, Profits, or other Property whatsoever, upon the Death, Removal, or Resignation of any such Secretary from Time to Time and as often as the same shall happen, and the Appointment of a Successor shall take place, shall (subject to the same Trusts, if any, as the same were before respectively subject to) vest in such succeeding Secretary by force of this Act, and without any Act or Deed whatever to be done by such Secretary so dying, resigning, or removed, or the Heirs, Executors, or Administrators of such Secretary, or by any Person or Persons claiming under him, them, or any of them, and notwithstanding any such Interest may have been expressed to have been vested in, conveyed, assigned, transferred, made payable to, or secured to such Secretary, his Heirs, Executors, Administrators, and Assigns, or any of them, and shall and may be proceeded upon, in the Name of any succeeding Secretary, by any Action or Suit in Law or Equity, or in any other Manner as the same might have been proceeded upon by or in the Name or Names of such Secretary so dying, resigning, or removed, his Heirs, Executors, Administrators, or Assigns.

Office, shall be vested in his Successor.

L. Provided always, and be it enacted, That in all Cases of Loans advanced under the Provisions of this Act, it shall be lawful for any Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who may be desirous of discharging and paying off the Amount of the Principal Money and the Interest due to the said Commissioners or to their Secretary for the Time being on any Loan or Loans advanced under this Act, and he or they are hereby empowered, to borrow such Sum or Sums of Money as may be required for such Purpose of any Person or Persons willing to advance the same on the Security of an Assignment of the Mortgage or other Security given to the said Commissioners or their Secretary for the Time being for the Loan or Loans which may be proposed to be paid off as aforesaid, and which Assignment the said Commissioners are hereby authorized and empowered to direct their said Secretary to make, upon such Terms and Conditions as the said Commissioners shall, under the Circumstances of any such Case, deem expedient; and the Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, to whom such Assignment shall be made, shall, under or by virtue thereof, be and become in all respects entitled to such and the like Priority, Powers, Privileges, and Advantages as the said Commissioners were entitled to on the Security so assigned, until the Principal and Interest remaining due and secured thereby shall be fully paid and discharged, any Act, Law, or Usage to the contrary thereof in anywise notwithstanding; and provided further, that nothing herein contained shall extend or be construed to extend to prevent the Repayment of the Whole or any Part of the Principal or Interest of any Loan or Advance at any Time whatsoever.

Parties may pay off Loans and take Assignments of Securities.

LI. Provided always, and be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act to extend or prolong the Periods of Repayment of any Money advanced under the Provisions of this Act, in any Case in which an adequate Fund, not

Commissioners may extend Time of Payment with Consent of Treasury.

not less in annual Amount than the Amount of Interest payable upon the Money originally advanced, shall be established and secured to the Satisfaction of the said Commissioners for such Repayment; but no such Extension of the Period for the Repayment of such Advance as aforesaid shall take place without the Consent of the Commissioners of His Majesty's Treasury for the Time being first had and obtained by the Commissioners for the Execution of this Act.

Securities may be changed by Permission of Commissioners.

LII. Provided always, and be it enacted, That it shall be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to accept and receive from any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors or Trustees of any Works, or other Person or Persons whomsoever, to whom any Loan or Advance shall have been or shall be made under the Authority of this Act, and also of and from his, her, or their Surety or Sureties, such substituted Security or Securities, Real or Personal, of like Nature and Quality, for the Whole or any Part of any Loan or Advance made under the Provisions of this Act, in lieu and instead of any existing Security or Securities, Real or Personal, which may have been taken for such Loan or Advance, as they the said Commissioners shall in their Discretion think fit, having Regard to the particular Circumstances of the Case in which Application for such Change of Security may be made, and subject in respect of such substituted Security to all such and the like Restraints, Terms, Conditions, and Regulations as herein-before provided with respect to the Nature and Quality of the original Securities to be taken and required in each Case respectively.

Exchequer Bills to be issued agreeably to Certificates of Commissioners of the Treasury.

LIII. And be it enacted, That when and so often as the Commissioners for the Execution of this Act shall have respectively determined upon any Advances to be made under the Provisions of this Act, and that such Determination shall have received the Sanction and Approval of the Lords Commissioners of His Majesty's Treasury, the Commissioners for the Execution of this Act shall thereupon, at such Times as it may have been agreed to make such Advances, certify to the Lords Commissioners of the Treasury the Amount of the Exchequer Bills required, as Occasion shall arise for such Advances; and thereupon the said Lords Commissioners of the Treasury shall certify to the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* for the Time being the Amount of Exchequer Bills so required; and such Auditor shall, on such Certificate of the Lords Commissioners of the Treasury being deposited in his Office, cause and direct such Exchequer Bill or Bills, to such Amount, and payable at such Periods, and bearing such Rate of Interest as may be expressed in the said Certificate of the Lords Commissioners of the Treasury, to be delivered to the Teller of His Majesty's Exchequer of *Ireland*, or to such Person as shall be by such Teller duly authorized on his Behalf to receive the same; and such Bill or Bills shall be by such Teller issued and delivered, upon the Warrant in Writing of the Commissioners for the Execution of this Act first had and obtained, to the Person or Persons in such Warrant named; and every such Exchequer Bill shall bear Date on the Day on which the said Lords Commissioners of the Treasury shall

shall appoint and direct, and shall and may be signed by the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, or in his Name by any Person duly authorized so to do: Provided always, that the total Amount of Exchequer Bills to be issued in manner aforesaid shall not at any One Time exceed the Amount of Exchequer Bills directed to be issued under this Act.

Officers by whom Bills are issued, upon Requisition of Commissioners, to furnish Lists thereof.

LIV. And be it further enacted, That such Officers by whom such Exchequer Bills shall be made, issued, and delivered respectively, shall from Time to Time, upon Requisition of the said Commissioners for the Execution of this Act, render to them at their Office complete Lists of all the Exchequer Bills made out or issued or delivered by them respectively, specifying therein the respective Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Numbers of the Certificates by virtue whereof the same were made, issued, and delivered respectively.

Banks of England or Ireland may advance Money on Exchequer Bills issued under the Provisions of this Act. 5 & 6 W. & M. c. 20.

LV. And be it enacted, That it shall and may be lawful for the Governor and Company of the Banks of *England* or *Ireland* respectively to advance or lend to His Majesty, at the respective Receipts of the Exchequers of *Great Britain* or *Ireland*, upon the Credit of the Exchequer Bills issued under this Act, any Sum or Sums of Money not exceeding in the whole at any One Time the Sum of Five hundred thousand Pounds, any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying the War against* France, or in other Act or Acts to the contrary thereof in anywise notwithstanding.

Bank of Ireland to open an Account with the Commissioners under this Act.

LVI. And be it further enacted, That the Governors and Directors of the Bank of *Ireland* shall and they are hereby required to open an Account in their Books with the Commissioners for the Execution of this Act, under the Title of "Commissioners for the Extension and Promotion of Public Works," and shall carry to the Credit of such Account the several Monies by this Act directed to be paid to the Cashier or Cashiers of the said Bank, and all such other Monies as the said Commissioners shall direct to be paid to the Credit of such Account, and shall make all such Payments to the Debit of such Account as may be required by Order under the Hands of the Chairman and any One of the said Commissioners; and whensoever the said Commissioners shall have advanced or lent any Money in pursuance of this Act to any Person or Persons, or Body or Bodies Corporate or Politic, Company or Companies, or Trustees, the said Commissioners shall, at some Time before any Part thereof shall be to be repaid, deliver to such Person or Persons, or Body or Bodies Politic or Corporate, Company or Companies, Directors, or Trustees, at his or their Request, One or more Certificate or Certificates, under the Hands of Three or more of them, specifying the

Certificates to be given by Commissioners, specifying the necessary Particulars of each Loan, at the Foot of which the Cashiers

shall acknowledge the Receipt of Monies paid,

the Amount of such Advance or Loan, and the Amount of the Monies to be received on account thereof, and the Times when they will respectively become payable; and the said Cashier or Cashiers of the Bank of *Ireland*, or One of them, shall, upon the Production of such last-mentioned Certificate or Certificates, accept and receive from the Person or Persons producing the same the Amount of the Monies therein mentioned to be receivable, and at the Foot of such Certificate or Certificates acknowledge the Receipt of the said Monies, without Fee or Reward; and that whensoever the said Commissioners shall by their Warrant or Order have directed such Monies to be raised or levied by Sale of any Bills, Bonds, Bank or Government Stock, or other Securities deposited with them pursuant to the Provisions of this Act, or by any Proceedings on any Securities taken by virtue thereof in default of such Payment as aforesaid, the said Commissioners shall deliver to the Agent, Broker, Officer or Officers executing the same respectively a like Certificate as aforesaid, and further specifying therein the Amount of the Monies to be raised or levied, and the Substance of such Warrant or Order to raise or levy the same; and the said Cashier or Cashiers of the Bank, or any One of them, shall, upon the Production of such last-mentioned Certificate, accept and receive from such Agent, Broker, Officer or Officers, the Monies so raised and levied, in satisfaction of the Payments whereof Default shall be made as aforesaid, and at the Foot of such Certificate acknowledge the Receipt of the said Monies, without Fee or Reward; and every such Receipt shall be afterwards brought to the Office of the said Commissioners, and by them entered in proper Books to be provided and kept for that Purpose; and the said Commissioners, or any Two or more of them, shall attest the same under their Hands, and return the same to the Person or Persons producing the same at the said Office; and every such Receipt so attested, and every such Entry in any of the said Books, shall respectively from thenceforth be a valid and effectual Acquittance and Discharge for the Sums expressed therein to have been received, as well against the said Commissioners and every of them, their Secretary, and every of their Executors and Administrators, as well to the Person or Persons to whom such Receipts shall be given, as to all and every the Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, or Trustees who shall have entered into any Security in respect of the Monies mentioned in such Certificate to which such Receipt shall be subscribed, their and every of their Heirs, Executors, and Administrators respectively, to all Intents and Purposes whatsoever.

which upon being attested shall be a valid Acquittance.

Money paid into the Bank on account of Commissioners shall be kept apart from all other Monies, and be applied to the Payment of Exchequer Bills and all Charges at-

LVII. And be it further enacted, That the Money which shall be paid into the Bank of *Ireland* under or by virtue of this Act to the Credit of the Account which has been herein-before directed to be opened with the Commissioners for the Execution of this Act shall from Time to Time, when and as the said Commissioners shall so direct, be transferred to the Credit and Account of the Teller of the Receipt of His Majesty's Exchequer in *Ireland*, distinctly and apart from all other Monies; and that it shall be lawful for the Commissioners of His Majesty's Treasury of *Great Britain* and *Ireland*, by Warrant under their Hands, to order and direct that all or any Part of the Sum or Sums of Money from Time to Time arising or accruing to the Credit

of the Account of the said Teller of His Majesty's Exchequer in *Ireland*, under the Provisions herein made, shall be issued to such Person or Persons as in such Warrant named, for the Purpose of being remitted and transferred to the Receipt of His Majesty's Exchequer at *Westminster*; and that there shall be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer at *Westminster* a Book or Books in which all the Monies paid to the Credit and Account of the said Teller by virtue of this Act, and remitted and transferred as aforesaid, shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all the Monies so paid to the Credit and Account of the said Teller by virtue of this Act, and remitted and transferred as aforesaid, shall be subject and liable to the Uses and Purposes herein-after mentioned; (that is to say,) in the first place, for paying off and discharging all the Exchequer Bills to be made out and issued by virtue of this Act, with such Interest as shall be payable thereon at the respective Days and Times and in the Order and Course in which the same may be directed to be discharged; and all such Exchequer Bills and Interest thereon as aforesaid shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall so arise in and to the Credit and Account of the said Teller of the Receipt of His Majesty's Exchequer in *Ireland* accordingly; and after paying off and discharging the same, in the next place, to pay off all the Charges and Expences which shall be incurred by the Commissioners for the Execution of this Act, and to make good all such Sums as may have been issued to the said Commissioners out of the Public Monies towards the said Charges and Expences, in pursuance of the Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, according to the Directions of this Act, and also to pay and satisfy all such Charges and Expences incident to or attending the making out such Exchequer Bills; and if any Surplus shall remain of the Monies paid to the Credit and Account of the said Teller by virtue of this Act, after satisfying the several Sums hereby charged thereon as aforesaid, such Surplus shall be applicable to the Purposes of this Act, under the Direction of the Commissioners for the Execution of this Act, and capable of being re-issued and repaid in the same Manner and in every respect under the same Restrictions and Regulations as Money originally advanced as aforesaid, and so in like Manner so often and at any and all Times when any such Surplus shall arise.

tending the Execution of this Act.

LVIII. And be it further enacted, That on the several Days and Times on which any Exchequer Bills made pursuant to the Directions of this Act shall become payable, or within Ten Days thereafter, the said Commissioners of His Majesty's Treasury shall cause a true and right Account to be taken and attested by the proper Officers of all such Exchequer Bills falling due and payable on such respective Days and Times, and of the Monies which shall then be in the Receipt of the Exchequer at *Westminster* applicable to the Payment and Discharge of the same; and if the Money which shall have arisen in the said Exchequer from or on account of the Payments, Remittances, and Transfers to be made by virtue of the Provisions herein-before contained

Treasury to cause Accounts to be taken of all Bills falling due and Money applicable thereto at the Time; and in case of Deficiency in the Exchequer for Payment thereof,

the same to be supplied out of the Aids for the current Year or the Consolidated Fund.

tained by the Teller of His Majesty's Exchequer in *Ireland*, shall not be sufficient to discharge the Principal and Interest due and payable as aforesaid, then such Deficiency shall and may be supplied and made good by and out of the Aids or Supplies which shall be or have been granted for the Service of the Year in which such Exchequer Bills shall become payable; and in case the Monies arising from such Aids or Supplies shall not at the Time be sufficient for that Purpose, then all the said Exchequer Bills remaining undischarged, with the Interest and Charges incident to or attending the same, shall be and are hereby charged and chargeable upon such Monies as at any Time or Times after any such Deficiencies shall happen shall be or remain in the Receipt of the said Exchequer of the Fund called the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except such Monies of the said Consolidated Fund as may be or have been appropriated to any particular Use or Uses by any Act or Acts of Parliament in that Behalf; and such Monies of the said Consolidated Fund shall and may be issued and applied from Time to Time, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such remaining Exchequer Bills, Interest, and Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable, on Demand, to the respective Proprietors thereof: Provided always, that whatever Monies shall be so issued out of the Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted in Parliament, any thing therein contained to the contrary notwithstanding; and that whatever Monies shall thereafter arise in the said Receipt of the Exchequer from or on account of the Payments, Remittances, and Transfers to be made by virtue of the Provisions herein-before contained by the Teller of His Majesty's Exchequer in *Ireland*, shall be applied towards replacing the Monies before issued out of the said Aids or Supplies or Consolidated Fund, as the Case may be, any thing herein contained to the contrary notwithstanding.

Monies so advanced out of Aids or Consolidated Fund to be replaced by other Monies.

Commissioners may authorize the Purchase of Exchequer Bills, and pay them to the Credit of the Teller of the Exchequer.

LIX. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, by Writing under their Hands, to authorize the Cashier or Cashiers of the Bank of *Ireland* to employ any Monies which shall be paid to the Credit of their Account in the Purchase of any Exchequer Bills which shall be payable at the Period then next ensuing, and forthwith to pay the same to the Credit and Account of the Teller of His Majesty's Exchequer in *Ireland*, who shall transmit the same, in such Manner as the Lords Commissioners of the Treasury shall appoint, to the Receipt of His Majesty's Exchequer at *Westminster*, there to be cancelled by the proper Officer or Officers.

As soon as whole Sum shall be advanced, the Commissioners to intermit their

LX. And be it enacted, That so soon as the whole Sum of Five hundred thousand Pounds authorized to be lent and advanced pursuant to the Provisions of this Act shall have been so appropriated, the said Commissioners for the Execution of this Act shall cause a Notice to that Effect to be inserted in the *Dublin Gazette*, and it shall not be lawful to make any further Loans or Advances under this Act until,

until, in the Course of the Repayments to be made pursuant to the Provisions of this Act, the whole Sum outstanding on the Securities by this Act directed to be taken shall have been reduced below the said Sum of Five hundred thousand Pounds; and the said Commissioners shall in like Manner give Notice thereof and certify the same to the Lords Commissioners of the Treasury, and it shall thereupon be and become lawful and competent to and for the said Commissioners to determine on making anew other Loans or Advances, and for the Lords Commissioners of the Treasury to direct the making and issuing of Exchequer Bills for the Purposes of the same, in like Manner, and under such and the like Provisions, Restrictions, or Conditions, as herein-before contained and expressed with respect to such former Loans or Advances, and so on from Time to Time until or unless the Powers of the said Commissioners in such Behalf shall be suspended or abrogated as herein-after provided; and such Exchequer Bills shall be made, issued, and dealt with accordingly: Provided always, that the making such Loans or Advances, and the making and issuing such Exchequer Bills, under this Act, shall be at all Times intermitted, with like Notice thereof as aforesaid, whenever and so often as the whole Amount outstanding on Securities as aforesaid shall amount to the said Sum of Five hundred thousand Pounds; and that the making such Loans or Advances shall be resumed, with Notice and Certificate thereof as aforesaid, so soon as the said Repayments shall have reduced such Amount outstanding below such Sum of Five hundred thousand Pounds, so that the whole Amount outstanding of such further Loans or Advances, together with all former Loans or Advances outstanding, shall not at any One Time exceed the said Sum of Five hundred thousand Pounds.

Issues until the Sum outstanding be reduced, and then to resume making Issues.

LXI. And be it enacted, That all the Clauses, Provisoes, Powers, and Authorities herein-before contained with respect to the Issue of Exchequer Bills for the first Loans or Advances to be made under this Act, shall be applied and extended to authorize the making and Issue of all further Exchequer Bills which may be required for the Purpose of making from Time to Time such subsequent Loans or Advances as may be determined upon by the said Commissioners; and that all Exchequer Bills to be from Time to Time issued for the said last-mentioned Purpose shall be in like Manner made out as in and by the said recited Act of the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, enacted and prescribed; and that all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Forfeitures, and Disabilities contained in the said last-recited Act shall be applied and extended to all and every the Exchequer Bills from Time to Time to be made for the Purpose of such subsequent Loans or Advances as fully and effectually to all Intents and Purposes as the same may apply to the Exchequer Bills to be made for the Purpose of the first Loans and Advances to be made under this Act, or as if the said several Clauses and Provisoes had been herein particularly repeated and re-enacted.

All Exchequer Bills or Money required for subsequent Loans to be made out and issued in like Manner as for the first Loans.

48 G. 3. c. 1.

LXII. And whereas certain Districts of *Ireland* are in a great measure shut out from the Progress of Improvement by Defect of Roads

Commissioners with Consent of the

Treasury may order 50,000*l.* to be issued in addition, to be applied by way of Grant to the making of Roads, Bridges, Harbours, &c.

Roads and Bridges, and the Population thereof is frequently in a State of Destitution, and such Districts are too poor themselves to bear the whole Expence of constructing such Roads and Bridges; and it is expedient, as well with a View to the better Order and Government and general Prosperity of *Ireland*, as to the internal Improvement of those Districts and the Employment of the labouring Poor therein, that Aid towards opening such Districts, and facilitating Communication between them and the more prosperous Portions of the Country, should be afforded by the Grant of Public Money in a Manner similar to that in which Monies have been from Time to Time granted for the Construction of Roads and Bridges in the Highlands of *Scotland*: And whereas it is also expedient to promote the Construction of small Harbours, Piers, and Quays; be it therefore and it is hereby further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, by and with the Consent and Approbation of the Commissioners of His Majesty's Treasury, to cause to be issued out of such Monies as shall at any Time or Times remain in the Receipt of the Exchequer, or out of the growing Produce of the Consolidated Fund arising in *Ireland*, any Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, to be applied to the Purposes and in the Manner and under the Regulations herein-after mentioned and specified concerning the same; and that such Sum of Fifty thousand Pounds shall be and shall be deemed and taken and considered and is hereby declared to be, in addition to and over and above the said Sum of Five hundred thousand Pounds to be raised or provided by the Issue of Exchequer Bills as under this Act herein-before directed; and such Sum or Sums of Money shall be issued in manner following; that is to say, the said Commissioners for the Execution of this Act shall make out a Certificate under their Hands, and transmit the same to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and upon the Receipt of any such Certificate, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and he or they is and are hereby authorized and required, to direct a Warrant to the Vice Treasurer of *Ireland* for the issuing of such Sum or Sums of Money as shall be specified in any such Certificate or Certificates out of the Receipt of the Exchequer in *Dublin*; and every such Certificate of the Commissioners for the Execution of this Act shall be presented at the Office of the Vice Treasurer of *Ireland*, together with such Warrant of such Lord Lieutenant or other Chief Governor or Governors for the Time being; and every such Certificate shall be deposited and shall remain in the Office of the said Vice Treasurer.

Commissioners may receive Applications for Grants for Roads or Bridges,

LXIII. And be it further enacted, That the Commissioners for the Execution of this Act shall and may receive Applications for the making of Roads and Bridges by and with the Aid of Money to be granted for that Purpose, in such and the like Manner as they are herein-before directed to receive Applications for Loans to be advanced under this Act, and subject to such and the like Rules and Regulations, so far as they may be applicable, as shall have been ordained for their Government therein; and that the said Commis-

sioners shall, at their Discretion, direct proper Surveys, Plans, Specifications, and Estimates to be made of such proposed Lines of Roads and Bridges, and shall require of and from the Persons applying for such Grants of Money that a Sum equal in each Case to a Moiety of the estimated Expence of making the proposed Road or Bridge shall be paid (or secured to be paid) to the Satisfaction of the said Commissioners, and also that Security shall be given, to the Satisfaction of the said Commissioners, that the Person or Persons making such Application shall and will supply and defray all such further Sum or Sums of Money beyond such estimated Expence as shall be necessary to make and complete such Road or Bridge agreeably to the Plan, Specification, Estimate, and Survey thereof made, or such other Plan as may upon subsequent Consideration be agreed upon by and between the said Commissioners and the Person or Persons making the said Application, but subject always to the Sanction and Allowance of the Commissioners of His Majesty's Treasury; and that the said Commissioners for the Execution of this Act shall cause to be made, in a Book for that Purpose provided, proper Entries of all Particulars, showing the Nature of each Application and the Circumstances thereof, and the Advantages likely to accrue from the Allowance thereof in respect of all the several Matters herein-before specified as proper to be regarded in deciding upon Applications for Loans under this Act, so far as the same may apply or be made applicable thereto, and also showing the Nature of the Securities offered, and shall arrange, classify, consider, and decide upon such Applications for Grants of Money in like Manner as upon Applications for the Loan of Money pursuant to the Provisions herein-before contained, and shall report their Decision upon such Applications for Grants of Money to the Commissioners of His Majesty's Treasury, who shall have Power and Authority to approve and confirm or disallow any Grant proposed to be made in compliance with any such Application for the same made as aforesaid, in like Manner as in the Cases of Applications for Loans of Money under the Provisions of this Act.

and enter them in the same Manner as Applications for Loans under this Act;

and shall report their Decision to the Treasury.

LXIV. Provided always, and be it enacted, That no Grant of Money under this Act for or on account of any Road or Bridge, or in compliance with any Application, shall be made until the same shall have been previously sanctioned by the Commissioners of His Majesty's Treasury, any thing contained in this Act to the contrary notwithstanding.

No Grant without Sanction of Treasury.

LXV. And be it further enacted, That so soon as any such Application for a Grant of Money for making any Road or Bridge shall have been approved of and sanctioned in manner aforesaid, the Parties making such Application shall enter into such Securities as may have been agreed upon, and shall pay the Moiety of the estimated Expence of constructing the Road or Bridge which is the Subject of such Application, either in the whole, or by such Instalments and at such Times and in such Manner and to such Persons as the said Commissioners for the Execution of this Act shall fix and appoint; and so soon as such Security shall be entered into, and such Sum or Sums of Money, or Instalment on account thereof, paid, the

As soon as Grant is approved of, Persons making Application to enter into Securities and pay One Moiety of estimated Expence, upon which the Work to be immediately commenced.

the said Commissioners for the Execution of this Act shall open an Account in their Books for such Road or Bridge, and shall from Time to Time place to the Credit of such Account all such Sum and Sums of Money as may be required for the Construction of such Road or Bridge, not exceeding a Moiety of the Amount of the Estimate thereof herein-before directed to be made, and shall forthwith cause the Construction of such Road or Bridge to be proceeded with; and that every such Road and Bridge shall be constructed in conformity to the Plan and Survey thereof approved of and sanctioned in the Manner herein-before directed; and the said Commissioners for the Execution of this Act are hereby authorized and empowered to make such Contracts or Agreements with any skilful Engineers or Surveyors, and their Sureties, for the Construction of such Road or Bridge, or at their Discretion to appoint and employ such Engineers or Surveyors or other Persons as they shall think proper to construct such Roads and Bridges under their own Direction, and from Time to Time, under such Regulations as the said Commissioners for the Execution of this Act shall direct, to draw for the necessary Sums to defray the Expence thereof; and such Payments so from Time to Time made shall be placed to the Debit of the Account of the said respective Roads or Bridges: Provided always, that if the actual Expence of constructing any such Road or Bridge shall exceed the estimated Expence, all such Excess of Expence shall be defrayed by the several Parties or Persons who shall have given the Security herein-before directed, and shall have contributed towards raising a Moiety of the said estimated Expence, according to the respective Proportions which they may have so contributed thereto: Provided further, that it shall and may be lawful for the Commissioners of His Majesty's Treasury, upon good Cause to them shown, to release the said Parties or Persons from the Obligation to pay such excessive Expence or any Portion thereof, according to their Discretion, and to direct that the same shall be supplied by such further Grant out of the said Consolidated Fund as may be necessary; and such further Grant shall and may be made upon Warrant under the Hands of the said Commissioners of the Treasury.

Commissioners may make Contracts for Construction of Roads or Bridges.

In case the Expence exceeds the Estimate.

LXVI. And whereas, by reason of the Communications to be opened by such Roads and Bridges, great Benefit is expected to accrue to the Proprietors of the Estates in which the same may be constructed, and the Value thereof will be greatly increased, and it is expedient to enable Tenants for Life and others having only particular Estates, and Persons under legal Disability or Incapacity, to raise Money for the Purpose of contributing to the making such Roads and Bridges; be it therefore and it is hereby further enacted, That it shall and may be lawful to and for any Corporation, Lay or Ecclesiastical, Sole or Aggregate, and for the Husbands, Trustees, Committees, or Attornies of, or for the Owners or Proprietors of, or any Company or Companies, or the Directors thereof, for the Time being interested in, any Part or Parts of any Lands through or bordering upon which any such Road shall pass or be intended to pass, or in which any such Bridge shall be constructed or proposed to be constructed, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for every of them for the Time being, and to and for the Owners and Proprietors of all such

Corporations, Tenants in Tail, or other Persons having only particular Estates, may mortgage for raising the Amount of Contribution.

such Lands being Tenants in Tail or for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, and to and for every of them respectively for the Time being, with and by the Sanction and Consent of the Commissioners for the Execution of this Act first had and obtained, by Indenture or Indentures under their respective Hands and Seals from Time to Time, and to which Indenture or Indentures One of the said Commissioners shall be an executing Party for the Purpose of signifying such Sanction and Consent as aforesaid, to charge the said Lands with any Sum or Sums of Money which shall or may be advanced or applied by him, her, or them respectively in or towards Payment of the said Contribution for the making such Road or Bridge, and, for securing the Repayment of such Sum or Sums of Money with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Lands unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, either in Fee or for any Term of Years; so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or under an express Trust to be surrendered, in case and so soon as the Sum or Sums of Money thereby to be secured, with lawful Interest for the same, shall be fully paid and satisfied, at a Time or Times to be appointed in that Behalf; and also with a Covenant to pay and keep down the Interest in the meanwhile; and so as every such Grant, Mortgage, Lease, or Demise do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to the Lands or Grounds therein comprised shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for Six Months preceding the Time that his, her, or their Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid shall be good, valid, and effectual in the Law for the Purposes hereby intended, and shall take Priority of all Charges and Incumbrances whatsoever and whensoever made.

Commissioners may receive Applications from Grand Juries for Grants under this Act, on Credit of Presentments.

LXVII. And be it enacted, That it shall and may be lawful for the Grand Juries throughout *Ireland* to make Applications, by Presentment, for Grants under this Act, in like Manner and under the like Restrictions and Regulations as have been herein-before provided in respect of Applications for Loans or Advances under this Act, so far as the same are applicable; and that it shall and may be lawful for the Commissioners for the Execution of this Act in like Manner to receive such Applications for Grants under this Act by way of Presentment, to be in like Manner certified by the acting Clerk of the Crown, and, with the Sanction of the Lords Commissioners of His Majesty's Treasury, to make such Grants on the Credit of such Presentment; and that the Treasurer of the County in which such Presentment shall be made shall prepare his Warrant or Warrants for the levying and raising of the Money therein expressed in like Manner as has been herein-before provided with respect to Warrants pursuant to Presentments made for obtaining Loans under this Act, and that the same shall be alike valid, obligatory, and effectual as any Warrant or Warrants prepared under the Regulations herein-before provided for or in respect of the Repayment of Loans made under this

this Act; and that all Provisions, Duties, Obligations, Powers, and Authorities herein-before appointed or created for the Purpose of securing the Repayment, safe Custody, and accounting for the Application of Monies lent or advanced under the Authority of this Act, shall in like Manner apply, as far as the same is or can be made applicable, to the Application, safe Custody of, and accounting for any Grant or Grants of Money to be made by the said Commissioners under the Authority of this Act.

Treasurer of County to pay Monies received to Person appointed by Commissioners.

LXVIII. And be it enacted, That the Treasurer of every County shall pay or cause to be paid all such Sum or Sums to be collected by or under the Authority of every such Presentment or Warrant into the Hands of such Person as may be appointed for that Purpose by the Commissioners for the Execution of this Act, to be by them applied, together with such Grant, in the Construction of such Road or Bridge for which such Grant and Presentment shall have been made.

If any additional Sum is required for the Completion of any Road, the Commissioners shall certify the same to the Secretary of the Grand Jury, to the end that Presentment may be made for the same.

LXIX. And be it enacted, That if the Commissioners for the Execution of this Act shall find it necessary, for the Completion of any Road or Bridge, that any additional Sum should be raised beyond the Amount of the original Estimate, the said Commissioners shall certify the additional Sum so required to the Secretary of the Grand Jury of the County in which the Presentment for such Road or Bridge may have been made, and such Certificate shall be laid before such Grand Jury at the next Assizes; and thereupon it shall and may be lawful to and for the said Grand Jury, and such Grand Jury are hereby authorized and required, to make Presentment of such additional Sum or Sums specified in such Certificate, to be raised off such County at large, or off the Subdivision thereof, whereon the Moiety of the Amount of the original Estimate for constructing such Road or Bridge may have been levied under the Provisions herein-before made in that Behalf; and the Treasurer of the said County shall, in like Manner as he has been herein-before directed to pay the Sum or Sums collected under such original Presentment, pay or cause to be paid such additional Sum or Sums to be collected under the Authority of such last-mentioned Presentment into the Hands of such Person as may be appointed for that Purpose by the said Commissioners, to be by them applied to the Completion of such Road or Bridge.

Commissioners may authorizeGrand Juries to construct Roads and Bridges.

LXX. And be it further enacted, That if the Commissioners for the Execution of this Act shall think fit so to do, they are hereby empowered to authorize any Grand Jury making such Presentment as herein-before appointed for the Purpose of obtaining any Grant under the Provisions of this Act to construct any Road or Bridge under Direction of any Engineer or Surveyor, or such other Person or Persons as such Grand Jury shall think fit to employ to construct such Road or Bridge, in the same Manner as Grand Juries are now or hereafter shall be empowered to construct and make any Road or Bridge where the Expence of the same shall be wholly defrayed by Grand Jury Presentments.

LXXI. And

Commissioners may dig for Materials for making any Road or building any Bridge, making Satisfaction;

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners, their Contractors, Agents, Surveyors, Workmen, and all other Persons by them employed and authorized, to cut, dig, take, and carry away, or cause to be cut, dug, taken, or carried away, any Quantity of Earth or Materials proper for the Purpose of making any Road or Bridge in, upon, out of, or from any Lands or Grounds of any Person or Persons whomsoever, where the same can be found; and such reasonable Satisfaction for digging and taking of Earth or other Materials therefrom, for the Purpose of making such Road or Bridge, shall be made to the Owner or Owners, Occupier or Occupiers of such Lands, for the Damages he, she, or they shall thereby sustain, as shall be agreed upon between the said Commissioners and the Owner or Owners, Occupier or Occupiers of such Lands and Grounds; and if such Owner or Owners, Occupier or Occupiers, cannot agree concerning the Amount of such Damages, then the same shall be assessed, adjudged, and finally determined by the Justices assembled at the next or some other General Quarter Sessions of the Peace for the County or Place in which the said Lands shall lie, upon Complaint thereof made at such Quarter Sessions by such Owner or Owners, Occupier or Occupiers, Notice thereof in Writing being given by him, her, or them to the Commissioners for the Execution of this Act, or their known Agent or Surveyor engaged in the Construction of such Road or Bridge, at least Seven Days before such Complaint is made.

if Amount of Satisfaction is disputed, Justices at Quarter Sessions to decide.

Commissioners not to dig for Materials until after Notice given to Owner of Premises to appear before Two Justices.

LXXII. Provided always, and be it further enacted, That it shall not be lawful for any Engineer, Surveyor, or any other Person or Persons acting under the Authority of the Commissioners for the Execution of this Act, to dig, gather, get, take, or carry away any Materials for making, protecting, and preserving the said Roads or Bridges or Approaches, or either of them, or for such other Purpose or Purposes as aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting for the County or Place from whence such Materials intended to be taken shall lie, to show Cause why such Materials shall not be taken therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Engineer, Surveyor, or other Person or Persons so employed as aforesaid to dig, get, gather, take, and carry away such Materials at such Time or Times as such Justices shall deem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear, by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agents, had attended.

Owner not appearing, &c. Justice to make what Order he may think fit.

LXXIII. And

Pits and Holes to be filled up or fenced off.

LXXIII. And be it further enacted, That if the Engineer or Surveyor to the said Commissioners, or any Contractor or Person employed by them respectively, shall, by reason of the searching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials for making, protecting, and preserving the said Roads and Bridges, or Approaches thereto, make or cause to be made any Pit or Hole in any Common or other Lands or Grounds as aforesaid wherein such Materials shall be found, the said Engineer or Surveyor or Contractor or Agent shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and shall within Four Days after such Pit or Hole shall be opened or made, where no Gravel, Stones, or Materials shall be found, cause the same forthwith to be filled up, levelled, and covered with the Turf or Clod which was dug out of the same, and where any such Materials shall be found within Four Days, after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, the said Engineer or Surveyor, or Contractor, or other Person or Persons so employed by the Commissioners for the Execution of this Act, shall sufficiently secure the same by Posts and Rails or other Fences, to prevent Accidents to Persons or Cattle; and in case such Engineer or Surveyor or Contractor or Agent shall neglect to fill up, slope down, or fence off such Pit or Hole in manner and within the Time aforesaid, he or they shall forfeit the Sum of Twenty Shillings for every Default; and in case such Engineer, Surveyor, Contractor, or Agent shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before is directed, for the Space of Three Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Grounds, or any Person having Right of Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Engineer or Surveyor, Contractor or Agent, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings for every such Neglect, to be determined and adjudged by such Justice or Justices, to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole in such Manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied, under the Warrant of such Justice or Justices as aforesaid, by Sale of the Goods and Effects of the Party incurring the same.

Commissioners to have Power to survey Lands, and to take the same for making such Roads and Bridges as may be determined upon,

LXXIV. And be it further enacted, That the said Commissioners for the Execution of this Act shall and may and they are hereby empowered, themselves, their Agents, Surveyors, Workmen, and all other Persons by them employed and authorized, at all such Times as to the said Commissioners may seem fit and convenient, to enter into and upon any Lands or Grounds whatsoever which it may be deemed proper or necessary to survey for the Purpose of making any Road or Bridge under the Provisions of this Act; and that the said Commissioners shall have Power and Authority to take and acquire all such

Ground as may be necessary for making the said Roads and erecting the said Bridges, rendering therefor, or for any Damage which may be occasioned thereby, such Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, as may be agreed upon between the said Commissioners and such Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Twelve Persons summoned and chosen by the Sheriff of the County in such Manner as Juries are summoned and chosen by Sheriffs of Counties in *Ireland*, whose Determination is hereby declared to be final; and in the Event that such Jury shall award a larger Sum than may have been offered by such Commissioners for the Execution of this Act, the Expence attending such Jury shall be paid by the said Commissioners out of the Monies paid and transferred to the Account of such Road or Bridge in manner herein directed; and if such Jury shall award no more or any Sum less than that offered by the said Commissioners, the Expence of such Jury shall be defrayed and borne by the Person or Persons who shall not have agreed with such Commissioners: Provided always, that after having offered to any Proprietor or Proprietors and Occupier or Occupiers of any Lands such Sum as such Commissioners shall think reasonable, it shall and may be lawful for them, without further Delay, to enter into and upon such Lands for the Purpose of this Act, and to proceed with the Construction of such Road or Bridge therein.

rendering Compensation.

LXXV. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall have been set out and ascertained for making any Road or Bridge hereby authorized to be made or erected, or any of the Approaches thereto, it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Commissioners for the Execution of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and such Expence by them deducted from the Sum granted for the Purpose of constructing the same Road or Bridge; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made according to the following

Incapacitated Persons may assign Lands to Commissioners for the Purposes of this Act.

Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will permit; (namely,)

Form of Conveyance.

'I of in consideration of the Sum
'I of to me paid by the Commissioners appointed
'under an Act passed in the Second Year of the Reign of His
'Majesty King *William* the Fourth, intituled [*here set forth the Title*
'*of this Act*], do hereby grant and release to the said Commissioners
'all [*describing the Premises to be conveyed*], together with all Ways,
'Rights, and Appurtenances thereunto belonging, and all my Estate,
'Right, and Interest in the same and every Part thereof, to hold to
'the said Commissioners and their Successors for ever, according
'to the true Intent and Meaning of the said Act. In witness
'whereof I have hereunto set my Hand and Seal the
'Day of in the Year of our Lord .'

And all Conveyances and Assurances aforesaid shall be good and valid and effectual in Law to all Intents and Purposes, and shall operate and be good as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, Charges, Incumbrances, and Interests whatsoever.

Saving of Rights in Coal Mines, &c.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Commissioners for the Execution of this Act any Mines of Minerals or of Coals or of any Stone or Slate under any Land taken or purchased by the said Commissioners under the Provisions of this Act, except only so much of such Coals, Stone, Slate, or Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act; but all such Mines, Minerals, Coals, Stone, or Slate, except as aforesaid, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or under any Works of the said Commissioners, as if this Act had not passed.

Commissioners to purchase Lands intersected.

LXXVII. And be it further enacted, That if in making any new Road or Bridge, or the Approaches thereto, any Piece or Parcel or Parcels of Land shall be cut through and divided, so that what be left on either Side of such Road or Approaches shall be less than One Acre in Quantity, or less than Twenty Yards in Breadth through the whole Length thereof, and if the Owner or Owners, Proprietor or Proprietors of any such Piece or Parcel of Land shall not have any other Land adjoining thereto, then the said Commissioners shall and they are hereby authorized and required to take and purchase such Pieces or Parcels of Land, and to pay for the same to the Owner or Owners, Proprietor or Proprietors thereof, after the same Rate and in the same Manner as they shall pay or be adjudged to pay for the Land adjoining thereto which shall be taken and used by them for the Purposes aforesaid, provided the Owner or Owners, Proprietor or Proprietors, or the Person or Persons entitled to the Possession or to the Rents and Profits of such Lands respectively, shall, by Writing under his, her, or their

Hand or Hands delivered to the said Commissioners, or their Surveyor or Engineer, or other known Agent or Person employed in the Construction of such Road or Bridge, within One Month next after Payment and Satisfaction shall be made for the other Land so taken and used by the said Commissioners for the Purposes aforesaid, require the said Commissioners to take and purchase the same; and for that Purpose it shall be lawful for all such Owners of or Persons interested in such Piece or Parcel of Land to sell the same to the said Commissioners, and to convey the same to such Person or Persons as they shall appoint, notwithstanding they may be under any such Disability or Incapacity as herein-before mentioned with respect to Lands to be taken or used for executing the several Powers of this Act; and the said Commissioners are hereby authorized and empowered to sell such Lands which they shall be so required to take and purchase as aforesaid, and cause the same to be conveyed to any Person or Persons whomsoever who shall be willing to purchase the same; and any Profit or Loss arising from such Sale and Re-sale shall be respectively placed to the Credit or Debit of the Account which the said Commissioners have been herein-before directed to open on making any Grant of Money under this Act.

Application of Purchase Money of incapacitated Persons exceeding 200*l.*

LXXVIII. And be it further enacted, That all Monies agreed or awarded to be paid for the Purchase of any Lands or Hereditaments purchased and sold, taken or used, by virtue of the Powers of this Act, or for any Damages done to such Lands or Hereditaments, as herein-before particularly mentioned, and the said Monies shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Monies shall, in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, to be placed to his Account there *ex parte* the said Commissioners; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the senior Master of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or when such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the senior Master of Chancery, in the Purchase of other Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used or damaged as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, on the Request of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands and Hereditaments

ditaments so hereby directed to be purchased (such Request to be in Writing, signed by him, her, or them), and without any Order of the said Master, be invested by the said Accountant General in his Name in Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland;* and in the meantime and until the said Stocks, Funds, or Annuities shall be ordered by the said Master of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Purchase Money when less than 200*l.* and not less than 20*l.*

LXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used or damaged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his, her, or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Master of Chancery.

Application of Purchase Money when less than 20*l.*

LXXX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

For preventing Injuries or Obstructions to Roads or Bridges.

LXXXI. And be it enacted, That in case any Surveyor or Engineer or other Officer employed by the Commissioners for the Execution of this Act shall observe any Nuisances or Encroachments, Obstructions of Ditches, Drains, Gutters, or Watercourses, or any other Annoyances whatsoever, made, committed, or permitted in or upon or to the Prejudice of any Roads or Bridges to be made or erected under the Provisions of this Act, or shall observe any Timber, Stone, Lime,

Lime, Peat, Dung, Soil, Compost, or Ashes deposited or remaining thereon, or if any Person shall remove or carry away any Earth, Sand, Gravel, or Stones forming Part of any such Roads or Bridges, or shall turn or dam any Water thereon, or if any Proprietor or Occupier shall neglect at all proper Times, under the Direction of the said Commissioners for the Execution of this Act, to cleanse or scour any Ditches or Watercourses affecting such Roads or Bridges, such Engineer or Surveyor or other Persons appointed by the said Commissioners shall give or cause to be given to any Person or Persons doing, committing, or permitting the same, either personal Notice, or a Notice in Writing to be left at his, her, or their usual Place or Places of Abode, specifying the Particulars wherein such Nuisances, Encroachments, Obstructions, or Annoyances consist; and if the same shall not be removed, and the Ditches, Drains, Gutters, and Watercourses effectually cleansed and opened, within Seven Days next after such Notice shall have been given as aforesaid, it shall be lawful for such Surveyor or Engineer or other Person appointed by the said Commissioners, and he and they is and are hereby authorized and empowered, forthwith to remove such Nuisances, Obstructions, and Annoyances, and to open, cleanse, and scour such Ditches, Drains, Gutters, and Watercourses; and the Person or Persons neglecting to observe and obey the above-mentioned Notice shall pay to such Engineer or Surveyor or other Person employed by the Commissioners under this Act, such Charges as shall be adjudged to be reasonable by any Two Justices of the Peace of the same County wherein such Offence or Nuisance may have been committed or exist, and shall also forfeit, at the Discretion of such Justices, any Sum not exceeding Ten Pounds; and in default of Payment of such Charges and Penalty the same shall be levied and recovered, with all Costs attending the levying of the same, by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of either of the said Two Justices; and in case no sufficient Distress can be had, either of such Justices is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Gaol or House of Correction for the County or Place in which such Offence shall have been committed, for any Term not exceeding One Week; and all Sums paid or levied by virtue of any such Proceedings as aforesaid shall be paid to the Surveyor or Engineer or other Person appointed by the said Commissioners of this Act, to be applied to the Construction and Maintenance of such Roads and Bridges; and in every such Case the Order of Adjudication of any such Justices of the Peace shall be final and conclusive to all Intents and Purposes whatsoever.

On Application of Commissioners, Money may be issued out of the Consolidated Fund for Repairs of Roads and Bridges.

LXXXII. And be it enacted, That upon the Application of the said Commissioners setting forth what Sum will be requisite and necessary from Time to Time for the Repair of any Road or Bridge, or any Portion of any Road or Bridge, which shall have been made under the Provisions herein-before contained, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct by his or their Warrant or Warrants that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the

Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*, to be applied, under the Directions of the said Commissioners, in the repairing and maintaining of any such Roads or Bridges, or any Portion thereof.

Amount of Money so expended to be certified to the Grand Jury of the County, who shall raise the Sum by Presentment.

LXXXIII. And be it further enacted, That whenever any such Road or Bridge, or any Portion thereof, shall be put in good and sufficient Repair, under the Directions of the Commissioners for the Execution of this Act, the Secretary to the said Commissioners shall certify to the Secretary of the Grand Jury of any and every County within which any such Road or Bridge, or any Portion thereof, shall be situate respectively, the Amount of Money which shall have been so expended upon the Repair of any such Road or Bridge, or any Portion thereof, within any and every such County respectively; and every such Certificate shall, at the next or some succeeding Assizes, be laid before the Grand Jury of any and every County respectively, and thereupon it shall and may be lawful to and for the Grand Jury of any and every such County respectively, and any and every such Grand Jury are hereby authorized and required, to make Presentment of the Amount of such Expences as stated in such Certificate, to be raised off such County at large, or off the Subdivision thereof whereon the Moiety of the Expence of constructing such Road or Bridge may have been levied under the Provisions herein-before made in that Behalf; and it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising any other Money, until such Presentment for such Expences be first made and allowed; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any and every such County respectively, such Treasurer shall pay over the same respectively to the Collector of Excise for the District in which such Road or Bridge, or Portion thereof, shall be respectively situate, to be by him accounted for as other Public Monies which may come to his Hands.

Expence of Bridges between Counties to be borne equally.

LXXXIV. Provided always, and be it enacted, That where any Bridge which shall be repaired or maintained as aforesaid shall be situate partly in one County and partly in another, the Expence of repairing and maintaining of such Bridge shall be borne and defrayed equally between the several Counties; and the Certificates and Presentments required by this Act shall be made and raised accordingly.

Commissioners may make Grants in aid of the Erection of small Harbours, Piers, &c.

LXXXV. And be it further enacted, That the Commissioners for the Execution of this Act shall and may receive Applications, and make Grants in aid of the Construction and Erection of small Harbours, Piers, and Quays on the Sea Coast of *Ireland*, useful or necessary for the Purposes of Fishery, in the same Manner, on the same Terms, and subject to the like Conditions and Regulations for the Production of proper Plans, Specifications, and Estimates, and the Payment or Security of a Moiety of the estimated Expence of constructing such Harbour, Pier, or Quay, and all other Conditions and Regulations, so far as the same may be applicable, as herein-before provided in respect of Grants for Roads and Bridges, and with like Powers and Authorities in relation thereto; subject always to the like Sanction

and Direction of the Commissioners of His Majesty's Treasury; and provided always, that no Grant for any One Harbour, Pier, or Quay shall be made to a greater Amount than One thousand Pounds; and that the Applicant for the same shall provide or satisfy the said Commissioners of the Existence of Funds for the future Maintenance and Repair thereof.

Proof of Debt in Cases of Bankruptcy may be made upon Oath of the Secretary of Commissioners under this Act;

LXXXVI. And be it further enacted, That the Commissioners named in any Commission of Bankruptcy which shall at any Time hereafter be awarded or issued out, either in *England* or *Ireland*, shall admit the Proof of any Debt or Grounds of Debt under this Act, on the Oath, Affirmation, or Affidavit of the Secretary to the Commissioners for the Execution of this Act, which Oath, Affirmation, and Affidavit respectively shall be taken and administered before any One of the proper Officers having Authority by Law to administer Oaths or Affirmations, or to take Affidavits, in Cases of Bankruptcy, and shall permit such Secretary to vote in the Choice of an Assignee or Assignees of the Estate and Effects of such Bankrupts, and to do and execute every other Act, Matter, or Thing relating to such Bankruptcy, as fully and effectually as if such Secretary were the *bonâ fide* Creditor of such Bankrupt or Bankrupts.

who may apply for Commission of Bankruptcy.

LXXXVII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in the Name of their Secretary for the Time being, to apply for any Commission of Bankruptcy against the Estate or Effects of any Bankrupt or Bankrupts, and to sue and otherwise pursue the same respectively in like Manner as any other Creditor or Creditors is or are by Law entitled to do.

Commissioners may accept of Security from Assignee of any Bankrupt's Estate.

LXXXVIII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act to accept from the Assignees under any Commission of Bankrupt issued against any Debtor or Debtors in any such Loan under this Act, such Security for the Payment of the Sum due from such Bankrupt or Bankrupts, out of his or their Estate or Effects, as the said Commissioners shall approve; and that the Acceptance of such Security by the said Commissioners shall operate as a Release of the Estate of such Bankrupt or Bankrupts, for the Benefit of the Creditors under the said Commission of Bankruptcy, from all Claims whatever by the said Commissioners, other than and except such Part of the said Estate as shall be specified in Writing between the said Commissioners for the Execution of this Act and the said Assignees under the said Commission of Bankruptcy.

Proceedings in Actions against Commissioners.

LXXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done by virtue of or in pursuance of this Act, until Twenty Days Notice thereof in Writing shall have been given to the Secretary for the Time being of the said Commissioners, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Months next after the Fact committed; and such Action shall be brought in the said Court of Exchequer in *Ireland*,

Ireland, and shall be laid in the City of *Dublin*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or shall be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Notice of Evidence.

XC. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff, on Trial of any such Action as aforesaid, of any Cause of Action except such as contained in the Notice hereby directed to be given.

Action may be brought against the Commissioners in the Name of their Secretary, and shall not abate by his Removal, &c.

XCI. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act, in every Case in which it may become necessary, to sue and be sued in the Name of their Secretary for the Time being; and that no Action or Suit in Law or Equity, to be brought or commenced by or against the said Commissioners or any of them, on account of this Act, in the Name of their Secretary for the Time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary without the Consent of the said Commissioners; but the Secretary of the said Commissioners for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be; and no Action or Suit shall be brought against the said Commissioners, collectively or individually, or against their Secretary, except in His Majesty's Court of Exchequer in *Ireland*, and with the Leave of such Court first had and obtained, and upon such Terms and Conditions as the said Court shall direct.

Commissioners may examine Persons on Oath, and receive Affidavits, &c.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to examine upon Oath or Affirmation (which Oath or Affirmation they or any one of them are and is hereby authorized to administer) all Persons who shall be willing to be examined touching all such Matters and Things as shall be necessary for the Execution of the Powers vested in the said Commissioners by this Act, and also to receive any Affidavits or Depositions in Writing, upon Oath or Affirmation, touching such Matters or Things as aforesaid, which shall be made before any Justice of the Peace of any County, or any Magistrate of any City, Borough, or Town Corporate in *Ireland*, where or near to which the Person making such Affidavit or Deposition shall reside, and certified and transmitted

mitted to the said Commissioners respectively under the Hand and Seal of such Justice or Magistrate; which Oath or Affirmation every such Justice or Magistrate shall be and is hereby authorized and empowered to administer; provided that in every such Affidavit or Deposition there shall be expressed the Addition of the Party making such Affidavit or Deposition, and the particular Place of his or her Abode.

Persons swearing falsely, or making false Affirmation or Affidavit, guilty of Perjury.

XCIII. And be it further enacted, That if any Person or Persons, upon Examination upon Oath or Affirmation before the said Commissioners for the Execution of this Act respectively, or if any Person or Persons making any such Affidavit or Deposition as before mentioned, shall wilfully and corruptly give false Evidence, or shall in such Affidavit or Deposition wilfully and corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, every such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in force in *Ireland* Persons convicted of wilful and corrupt Perjury are subject and liable to.

Affirmation.

XCIV. And be it further enacted, That in all Cases where an Oath may be administered by this Act it shall be lawful to administer an Affirmation in lieu thereof, as the Case may require.

Forging or counterfeiting any Instrument purporting to be the Act or Deed of the Commissioners or any Persons acting under this Act, Felony.

XCV. And be it further enacted, That if any Person or Persons shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any Certificate or Certificates of the Commissioners for the Execution of this Act, or any of them, or any Order, Certificate, Receipt or Receipts to be given or made by any Officer of His Majesty's Exchequer or Treasury or of the Bank of *Ireland*, in pursuance of this Act, or shall wilfully deliver any such forged, counterfeited, or altered Order, Certificate, or Receipt to the Auditor of the Receipt of His Majesty's Exchequer in *Ireland*, or to any Officer appointed by him, or to the Teller thereof, or to the Commissioners for the Execution of this Act, or any of them, or to any Officer or Officers appointed by them or any of them, in the Execution of the Powers of this Act, or shall utter any such forged, counterfeited, or altered Order, Certificate or Certificates, Receipt or Receipts, knowing the same to be forged, counterfeited, or altered, with Intent to defraud His Majesty, His Heirs or Successors, or any Body or Bodies Politic or Corporate, or any Person whomsoever, then and in every such Case all and every Person or Persons so offending, and being thereof lawfully convicted, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years.

Instruments or Deeds executed for the Purposes

XCVI. And be it further enacted, That no Obligation, Contract, Agreement, Assignment, Deed, Conveyance, or other Instrument whatever, taken or made to or by the said Commissioners for the

of this Act not liable to Stamp Duty.

Execution of this Act, nor any Affidavit, Deposition, Certificate, Order, or Receipt to be respectively taken or made under and by virtue of this Act, shall be liable to any Stamp Duty whatever; any thing in any Act or Acts in force in *Ireland* to the contrary in anywise notwithstanding.

Treasury may suspend or abrogate the Powers of the Commissioners, Notice of which shall be given in the Dublin Gazette, &c.

XCVII. And be it enacted, That whenever the Commissioners of His Majesty's Treasury for the Time being shall think fit that the Powers of the said Commissioners for the Execution of this Act should cease and determine, or that the making and Issue of Exchequer Bills under the Provisions thereof should be suspended, it shall and may be lawful for the said Commissioners of His Majesty's Treasury for the Time being, and they are hereby authorized and empowered, to direct the Commissioners for the Execution of this Act, and the said Commissioners for the Execution of this Act are hereby authorized and required, to publish and declare, by Advertisements to be inserted in the *Dublin Gazette* and such Newspapers as the said Commissioners of His Majesty's Treasury may appoint, that, at and from such Period as may be in that Behalf determined upon and appointed, the said Commissioners for the Execution of this Act will cease, either altogether or for a Time, as may be directed by the said Commissioners of His Majesty's Treasury for the Time being, to receive Applications for Loans, Grants, and Advances under this Act, and to execute and perform other the Powers and Authorities in respect thereof vested in them by this Act; and all the Powers and Authorities of the said Commissioners for the Execution of this Act, for the Loan or Advance or Grant of Money, shall wholly cease and determine, or be suspended for a Time, according to the Tenor of such Notice as aforesaid; and thereupon the said Commissioners for the Execution of this Act shall with all convenient Speed make up and close their Accounts and Transactions, and deliver or cause to be delivered up to the said Commissioners of His Majesty's Treasury for the Time being, or such Person or Persons as the said Commissioners of His Majesty's Treasury, in Writing under their Hands, shall nominate and appoint, such Accounts, and all and every the Bonds, Mortgages, Deeds, Books of Account, Papers, and Writings, of what Nature or Kind soever, in Possession or under the Controul of the said Commissioners for the Execution of this Act, or any of their Officers, touching or relating to any Security or Securities whatsoever taken by them the said Commissioners for the Execution of this Act, for any Loan or Loans advanced, or Grant or Grants made by them under the Powers and Authorities of this Act, together with the Minutes of the Proceedings of the said Commissioners for the Execution of this Act, and all Books, Papers, and Writings in any Manner relating thereto.

Powers vested in the Secretary shall then vest in such Persons as the Treasury shall appoint,

XCVIII. And be it enacted, That on the Termination of the said Commission in manner aforesaid, any Interest which may then be vested in the Secretary of the said Commissioners for the Execution of this Act, for the Time being, shall from thenceforth, by Force of this Act, and without any Act or Deed whatsoever to be done by such Secretary, vest in the Person or Persons to be appointed as aforesaid by the said Commissioners of His Majesty's Treasury, for the

the Time being, in such Manner and to such Extent as the said Commissioners of His Majesty's Treasury shall in Writing direct and appoint, whether such Person or Persons so to be appointed shall be or include the then Secretary to the said Commissioners for the Execution of this Act, for the Time being, or otherwise; and the Person or Persons so to be appointed shall and may and is and are hereby authorized to proceed for the Recovery of such Interest as may become vested in them or him as last aforesaid, by any Action or Suit in Law or Equity, or in any other Manner, as the same might have been proceeded upon by or in the Name of such last-mentioned Secretary to the said Commissioners for the Execution of this Act; and the Person or Persons so to be appointed shall have and possess such and the like Powers and Authorities for the Recovery and Receipt of all and every the Loans advanced under this Act, or such Parts thereof as shall then remain due and unpaid, as under this Act are vested in the said Commissioners or their Secretary for the Time being, but subject nevertheless to such Orders and Instructions in Writing as the said Commissioners of His Majesty's Treasury for the Time being shall from Time to Time think fit to give and direct.

and all Loans remaining unpaid shall be recovered by them.

XCIX. And be it further enacted, That from and after the Termination of the Powers of the said Commissioners for the Execution of this Act, in manner aforesaid, it shall and may be lawful for the Commissioners of His Majesty's Treasury for the Time being, or for the Person or Persons to be appointed by them as aforesaid, to grant such Certificate in respect of the Receipt of any Loans and Interest remaining due and unpaid, or to use and give such other Form of Acquittance and Discharge, as the said Commissioners of His Majesty's Treasury shall in Writing direct and appoint; and such Certificate or other Form of Acquittance so to be given under the Direction of the said Commissioners of His Majesty's Treasury shall be a valid and effectual Acquittance to all Intents and Purposes whatever.

Acquittance of the Treasury or Person appointed by them shall be a sufficient Discharge.

C. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable the Commissioners of His Majesty's Treasury to suspend or abrogate any Powers or Authorities created by or arising out of any former Act or Acts, and herein-after transferred to and vested in the Commissioners to be appointed by virtue of this Act, but that the same shall continue and exist and be exercised by such Commissioners appointed hereunder, notwithstanding any such Suspension or Abrogation as aforesaid of the Powers and Authorities conferred upon them by this Act, in respect of the Loan, Advance, or Grant of Money under the Provisions hereof.

Treasury not to have Power to suspend or abrogate Powers of former Acts transferred to Commissioners under this Act.

CI. And whereas by an Act passed in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend the Laws for improving and keeping in repair the Post Roads in* Ireland, *and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious;* and by a certain other Act passed in the Forty-sixth Year of the Reign of His late Majesty King

45 G. 3. c. 43.

46G.3. c.134. King *George* the Third, intituled *An Act to provide for the Security and Expedition of the Conveyance of Letters by the Post in* Ireland; and by a certain other Act passed in the Fifty-third Year of the 53G.3. c.146. Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act made in the Forty-fifth Year of His present Majesty, intituled 'An Act to amend the Laws for improving and keeping in 'repair the Post Roads in* Ireland, *and for rendering the Conveyance 'of Letters by His Majesty's Post Office more secure and expeditious;'* Provision was made for the Repair and Improvement of the several Lines of Post Roads throughout *Ireland*, and, amongst other things, His Majesty's Postmaster General for *Ireland* was authorized and required to cause certain Surveys, Estimates, and Maps of such Lines of Road, and all advantageous Improvements of the same by cutting off Angles or forming new Lines, to be laid before Grand Juries or the Trustees of Turnpike Roads, and dealt with and proceeded upon in manner by the said recited Acts appointed: And whereas by an Act passed 1 W. 4. c. 8. in the last Session of Parliament, intituled *An Act for enabling His Majesty to appoint a Postmaster General for the United Kingdom of* Great Britain *and* Ireland, it was amongst other things enacted, that it should be lawful for His Majesty, His Heirs and Successors, to appoint any One Person to be Postmaster General for the United Kingdom of *Great Britain* and *Ireland*, by the Name and Style of "His Majesty's Postmaster General;" and all the Powers, Authorities, Immunities, Rights, and Privileges theretofore belonging or appertaining to the Postmaster General for *Ireland* were by the said recited Act of the last Session of Parliament, together with other Powers and Authorities, transferred to and vested in the Person so to be appointed Postmaster General for the United Kingdom of *Great Britain* and *Ireland* and other His Majesty's Dominions: And whereas His Majesty has since been pleased, in manner by the said Act mentioned, to appoint such His Majesty's Postmaster General: And whereas it is expedient that the Powers, Duties, and Authorities by the before-recited Acts of the Forty-fifth, Forty-sixth, and Fifty-third Years of the Reign of His Majesty King *George* the Third vested in and conferred upon the Postmaster General for *Ireland*, and now transferred to and vested in the said Postmaster General appointed by virtue of the said recited Act of the last Session of Parliament, in respect of the procuring such Surveys, Maps, Plans, and Estimates of Post Roads, and all Improvements of the same, to be made, should be transferred to and vested in the Commissioners for the Execution of this Act, and that such Surveys, Maps, Plans, and Estimates shall be made and carried on under the Direction of such Commissioners; be it therefore enacted, That from and after the Appointment of the Commissioners for the Execution of this Act the said Postmaster General for the Time being shall, whenever he may think it necessary or advisable that any such Survey, Map, or Estimate of any Line of Road should be made, or any Improvement or Alteration made therein, certify the same to the said Commissioners for the Execution of this Act, and thereupon the said Commissioners shall proceed to appoint a Surveyor or Surveyors to make such Survey, Map, or Estimate as may be required by the said Certificate; and the said Commissioners shall, and all Persons duly authorized by them shall, have such and the like Powers and Authorities to proceed therein as the said

Powers given under recited Acts to Postmaster General to cause Surveys of Roads, &c. vested in Commissioners under this Act.

said Postmaster General, or the Persons by him duly authorized, now has or have respectively under the said recited Acts, for making any Survey, Map, or Plan and Estimate; and all Surveys, Maps, Plans, and Estimates made by Order of the said Commissioners, in pursuance of such Certificate as aforesaid, shall be deemed and taken to be of like Efficacy and Authority in all respects as the Surveys, Maps, Plans, and Estimates authorized and required to be made by the said recited Acts under the Direction of the said Postmaster General, and in all respects dealt with and acted upon in like Manner as Surveys, Maps, Plans, and Estimates made under Direction of the Postmaster General of *Ireland* have been or ought to have been heretofore dealt with and acted upon by virtue of the said recited Acts.

Commissioners may contract with Grand Juries or Trustees of Turnpike Roads for Repair of Bridges or Roads.

CII. And whereas it is expedient to provide for the more effectual Maintenance and Repair of Lines of Post Roads which have or hereafter may be made under the Authority of the herein-before recited Acts of the Forty-fifth, Forty-sixth, and Fifty-third Years of the Reign of His Majesty King *George* the Third; be it therefore enacted, That it shall and may be lawful for the several Grand Juries throughout *Ireland* empowered or required to make Presentments for Roads or Bridges under the Provisions of the said recited Acts, and also for the Trustees of any Turnpike Road, in conjunction with any Grand Jury or by themselves, to propose to the said Commissioners for the Execution of this Act to undertake the Repair and Maintenance of such Roads, together with all Bridges, Pipes, Gullets, or other Works thereon, for any Term not exceeding Seven Years, Provision being first made, in Cases of Grand Juries by Presentment, and in Cases of Trustees in such Manner as may be safe and convevient, for the Indemnity of the said Commissioners; and if such Presentment or other Provision, as the Case may be, shall upon due Consideration seem to the said Commissioners adequate for such Purpose, and also to cover and include all incidental Charges and Expences in and about the Management of such Undertaking, so that the general Charge of maintaining the Commission by this Act created shall not be augmented thereby, it shall and may be lawful for the said Commissioners for the Execution of this Act to undertake to provide for the Maintenance and Repair of such Roads, and the Bridges, Pipes, Gullets, or other Works thereon, for any Term not exceeding Seven Years; and from and after the Time that such Commissioners shall have undertaken the Care, Maintenance, and Repair of such Roads and Bridges, Pipes, Gullets, and other Works thereon, all the Powers now vested in the said Grand Juries or Trustees respectively, so far as regards or relates to the Maintenance and keeping in repair such Roads, Bridges, Pipes, Gullets, or other Works, (always except such Powers and Authorities as may be needful for the raising and levying of the Sums agreed upon by such Commissioners to be paid to them as the Consideration for and in satisfaction of their Costs and Charges in and about the said Undertaking,) shall cease and be suspended during the Term so agreed upon as aforesaid; and the said Commissioners shall have full Power and Authority to make, maintain, and repair such Roads, Bridges, and all other Works thereon, and such Sum or Sums as may be agreed upon shall be paid

to such Person and in such Manner as the said Commissioners shall fix and appoint; and an Account of all Expences incurred in and about the Maintenance and Repair of such Roads, or the Bridges, Pipes, Gullets, or other Works thereon, shall be laid by such Commissioners before the respective Grand Juries at each and every Spring and Summer Assizes, and before such Trustees once in every Year during such Term of Years: Provided always, that if at the Expiration of such Term of Years it shall appear that the Sum actually expended and laid out by the said Commissioners in discharge of their said Undertaking, together with all Expences of Management incurred therein, shall not amount to the entire Sum paid to the said Commissioners by such Grand Juries or Trustees respectively, the Surplus remaining in the Hands of the said Commissioners shall be repaid to the Treasurer of such Grand Juries or Trustees respectively, to be by them, in Cases of Grand Juries, carried to the Credit of the County whereon the same shall have been levied, and in Cases of Trustees, to be applied to the general Purposes of their respective Trusts.

Powers of Commissioners for Execution of following Acts in Ireland to cease, and vest in Commissioners under this Act.

CIII. And be it further enacted, That from and after the Appointment of the Commissioners for the Execution of this Act the Powers and Authorities of the Persons appointed Commissioners by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by virtue of any Power derived from or under any of the Acts herein-after enumerated, for the Execution of the same, in *Ireland*, shall wholly cease and determine, and all such Powers and Authorities shall vest in and devolve upon the said Commissioners for the Execution of this Act; and the said Commissioners for the Execution of this Act shall and they are hereby required, authorized, and empowered to exercise all such Powers and Authorities as may have been vested in or conferred upon the Commissioners acting in *Ireland* under or by Authority of any of the Acts herein-after enumerated; (that is to say,) an Act passed in the Fifty-seventh Year of the Reign of His 57 G.3. c. 34. Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and the Employment of the Poor in* Great Britain, *in manner therein mentioned;* also an Act passed in 57 G.3. c. 124. the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and for the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor;* also an Act passed in the Fifty-eighth Year of the Reign of His said Majesty 58 G.3. c. 88. *George* the Third, intituled *An Act to amend Two Acts made in the last Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor; and to extend the Powers of the Commissioners appointed for carrying the said Acts into execution in* Ireland; also an Act passed in the First Year of the Reign of 1 G. 4. c. 60. His late Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying of Public Works and Fisheries and Employment of the Poor; and to extend the Powers*

of

of the Commissioners for executing the said Acts in Great Britain; also an Act passed in the same Session of Parliament, intituled *An Act to amend several Acts made in the Fifty-seventh and Fifty-eighth Years of His late Majesty, for the Advance of Money for carrying on Public Works, and for other Purposes, so far as the said Acts relate to* Ireland; also an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts;* also another Act passed in the same Session of Parliament, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a Public Nature, and for the Encouragement of the Fisheries in* Ireland; also an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the several Acts for the Assistance of Trade and Manufactures and the Support of Commercial Credit in* Ireland; also an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works;* also an Act passed in the same Session of Parliament, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works;* also an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland; also an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain Cases;* also an Act passed in the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland; and also another Act passed in the same Session of Parliament, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works.*

1 G. 4. c. 81.
3 G. 4. c. 86.
3 G. 4. c. 112.
4 G. 4. c. 42.
5 G. 4. c. 36.
5 G. 4. c. 77.
6 G. 4. c. 35.
7 G. 4. c. 30.
7 & 8 G. 4. c. 12.
7 & 8 G. 4. c. 47.

CIV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend in anywise to abridge, alter, or affect the Powers and Authorities given or conferred upon any Persons appointed or to be appointed Commissioners for the Execution of the said recited Acts or any of them, in that Part of the United Kingdom called *Great Britain;* any thing herein-before contained to the contrary in anywise notwithstanding.

This Act not not to affect Commissioners under recited Acts in Great Britain.

CV. And whereas by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Five hundred thousand Pounds, for promoting Inland Navigation in* Ireland, *and for other Purposes therein mentioned, and for authorizing the raising*

40 G. 3. c. 51. (I.)

53G.3.c.144. 56G.3.c.55. *raising the said Sum by Loan*, which Act was amended by Two other Acts of the Fifty-third and Fifty-sixth Years of the Reign of His said Majesty King *George* the Third, the Lord Lieutenant of *Ireland* was authorized to appoint Five Persons to be Directors of all Works relating to Inland Navigation; and it is expedient that the Powers thereby given to the said Directors, and all Property, Estate, and Effects by them acquired or possessed, should be vested in and transferred to the Commissioners for the Execution of this Act; be

Powers of Directors of Inland Navigation under recited Acts transferred to Commissioners under this Act;

it therefore enacted, That all the Powers given to and authorized to be exercised by the Directors appointed in pursuance to the said Act of the Fortieth Year of the Reign of King *George* the Third, or any other Act or Acts now in force, and all Property, Estates, and Effects, and all Tolls or Funds, and all Rights, Claims, Titles, and Possessions, of what Nature or Kind soever, of or belonging or in any Manner appertaining to or enjoyed by the said Directors, shall, from and after the Appointment of the Commissioners for the Execution of this Act, be transferred to and vested in the said Commissioners for the Execution of this Act, and the said Commissioners shall have all such Powers and Authorities as in anywise belonged to or might have been exercised by the said Directors previous to the passing of this Act, and be and be deemed and considered to be to all Intents and Purposes in the Place of such Directors of Inland Navigation.

as also the Powers of Commissioners of Fisheries created by 59G.3.c.109. (continued by 7 G.4.c.34.), which were vested in the Directors of Inland Navigation by 1 W.4.c.54.

CVI. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Encouragement and Improvement of the* Irish *Fisheries*, the Lord Lieutenant or other Chief Governor or Governors of *Ireland* was and were empowered to nominate and appoint Persons to be Commissioners specially for overseeing, and directing, and improving the Fisheries of *Ireland*, to be called Commissioners of the *Irish* Fisheries, for the Purpose of executing the Provisions of the said Act for the Period in the said Act mentioned; and by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth the Powers and Authorities given by the said Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third were continued in force until the Fifth Day of *April* One thousand eight hundred and thirty: And whereas by an Act passed in the First Ses-

1 W. 4. c. 54. sion of the First Year of the Reign of His present Majesty, intituled *An Act to revive, continue, and amend several Acts relating to the Fisheries*, all and every Right, Title, and Interest of the said Commissioners in the *Irish* Fisheries, and all Powers and Authorities vested in them in or by the said recited Act in the Fifty-ninth Year of His said late Majesty, or in or by any other Act or Acts in force immediately before the said Fifth Day of *April* One thousand eight hundred and thirty, were transferred and conveyed to and vested in and appointed to be exercised by the Directors of all Works relating to Inland Navigation for the Time being, and Power wa given to create additional Directors: And whereas it is expedient that the said Right, Title, and Interest in the *Irish* Fisheries, with all Powers and Authorities of and in respect of the same, should be transferred to and vested in the Commissioners for the Execution of this Act; be it therefore enacted, That all Right, Title, and Interest in the

Irish Fisheries, with all Powers and Authorities transferred and vested by the said Act of the First Session of the First Year of the Reign of His present Majesty to and in the said Directors of Inland Navigation, or any such additional Directors, shall, from and after the Appointment of the Commissioners for carrying this Act into execution, be vested in and transferred to the said Commissioners for the Execution of this Act; and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is and are hereby authorized and directed to pay or cause to be paid all the Sum or Sums of Money directed by the said Act of the First Session of the First Year of the Reign of His present Majesty, or any other Act or Acts, for the Completion of Piers, and any and every other Purpose in any of the said Acts mentioned, to the Commissioners for the Execution of this Act, instead of to the Directors of Inland Navigation; and such Commissioners for the Execution of this Act shall for the Purposes of the said Act of the First Session of the First Year of the Reign of His present Majesty be and be deemed to be in the Place of the said Directors of Inland Navigation: Provided always, that any and every Salary, Pension, or Allowance which may by the said Act of the First Session of the First Year of the Reign of His present Majesty, or any other Act or Acts, be directed to be paid to any Person or Persons whatsoever, shall from and after the Appointment of the Commissioners under this Act cease and determine, and be no longer paid or payable.

Powers given to Directors of Inland Navigation for Repair of certain Roads by 6 G. 4. c. 101. revived, and transferred to Commissioners under this Act.

CVII. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in* Ireland, certain Powers were given to the Directors of Inland Navigation in *Ireland* for Purposes therein mentioned, and the said Act was continued by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, and was further continued by an Act passed in the Tenth Year of His late Majesty's Reign until the End of the last Session of Parliament: And whereas the said Act has expired, and it is expedient to revive and make the same perpetual, and that the ill Consequences arising from the Expiration thereof should be remedied, and that the Powers thereby given to the Directors of Inland Navigation should be transferred to the Commissioners for the Execution of this Act; be it therefore enacted, That from and after the passing of this Act the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby revived and declared to be perpetual; and that all Matters and Things done and committed at any Time since the last Day of the last Session of Parliament, and which could or might have been done pursuant to or under the Authority of the said Act, if it had not expired, shall be and be deemed to be as good, valid, and effectual to all Intents and Purposes whatsoever as if the said Act had not expired.

Actions brought for any Matter done which might have been done if last-recited

CVIII. And be it enacted, That all personal Actions, Suits, Indictments, Informations, and Prosecutions heretofore brought, commenced, preferred, exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all Judgments thereupon obtained, if any such there be, and all Proceedings whatsoever

Act had not expired, shall be discharged, and Persons indemnified.

soever against any Person or Persons for or on account of any Act, Matter, or Thing by him or them done, committed, or directed to be done since the last Day of the last Session of Parliament, and which it would have been lawful and competent for him or them to have done, committed, or directed to be done if the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth had not expired, shall be discharged and made void; and that every Person or Persons by whom any such Act, Matter, or Thing shall have been done, committed, or directed to be done shall be freed, acquitted, discharged, and indemnified, as well against the King's Majesty, His Heirs and Successors, as against all and every other Person or Persons whomsoever.

Defendants may plead the General Issue, and give this Act in Evidence, and have Double Costs.

CIX. And be it further enacted, That if any Action or Suit hath been or shall be brought, commenced, or had in any Court in *Ireland*, against any Person or Persons, for or on account of any such Act, Matter, or Thing as aforesaid, he or they may plead the General Issue, and give this Act and the Special Matter in Evidence; and if the Plaintiff or Plaintiffs shall become nonsuit, or forbear further Prosecution, or suffer a Discontinuance in any such Action or Suit, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, the Defendant or Defendants shall have and be entitled to Double Costs, for which he or they shall have the like Remedy as in other Cases in which Costs by Law are given to the Defendants.

Court (or Judge, if Court not sitting,) on Application of Defendant, may stay Proceedings, and give Double Costs.

CX. And be it enacted, That if any Action, Suit, Indictment, Prosecution or Proceeding, hath been or shall be brought, commenced, preferred, exhibited, or had in any Court against any Person or Persons, for or on account of any such Act, Matter, or Thing as aforesaid, it shall be lawful for the Defendant or Defendants in any such Action, Suit, Indictment, Information, Prosecution, or Proceeding, or for any of them, to apply by Motion, Petition, or otherwise, in a summary Way, to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited, or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any One of the Judges or Justices of such Court, to stay all further Proceedings in such Action, Suit, Indictment, Information, Prosecution, or Proceeding; and such Court, or any Judge or Justice thereof when the said Court shall not be sitting, is hereby authorized and required to examine the Matter of such Application, and upon Proof by the Oath or Affidavit of the Person or Persons making such Application, or any of them, or other Proof to the Satisfaction of such Court, Judge, or Justice, that such Action, Suit, Indictment, Information, Prosecution, or Proceeding is brought, commenced, preferred, exhibited, or had for or on account of any such Act, Matter, or Thing as aforesaid, to make an Order for staying Execution and all other Proceedings in such Action, Suit, Indictment, Information, Prosecution, or Proceeding, in whatever State the same shall or then may be, and although Judgment shall have been entered up of Record, or given, or any Writ of Error or Appeal shall have been brought or made, or shall be depending therein; and the Court, or the Judge or Justice, making such Order for Stay of Proceedings in any Action or Suit as aforesaid, shall also order unto the Defendant or Defendants, and he and they shall have and be entitled to, Double Costs for all

such Proceedings as shall be had or carried on in any such Action or Suit after the passing of this Act, and for which Costs he and they shall have the like Remedy as in Cases where Costs are by Law given to Defendants: Provided always, that it shall be lawful for any Person or Persons, being a Party or Parties to any such Action, Suit, Indictment, Information, Prosecution, or other Proceeding, to apply by Motion, Petition, or otherwise, in a summary Way, to the Court in which the same shall have been brought, commenced, preferred, exhibited, or had, or shall be depending, to vacate, discharge, or set aside any Order made by any Judge or Justice of that Court for staying Proceedings or for Payment of Costs as aforesaid, so as such Application be made within the first Four Days on which such Court shall sit next after the making of any such Order by any Judge or Justice as aforesaid; and such Court is hereby required to examine the Matter of such Application, and to make such Order therein as if the Application had been originally made to the said Court; but nevertheless, in the meantime and until such Application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, or set aside or reverse the Order made by any such Judge or Justice as aforesaid, the same shall continue in full Force to all Intents and Purposes whatsoever.

Court may, on Application of any Party to such Action, set aside or reverse Order of Judge made out of Court.

CXI. And be it further enacted, That from and after the Appointment of the Commissioners for the Execution of this Act all and every the Powers, Authorities, Limitations, and Restrictions given or imposed by the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, to or upon the Directors of Inland Navigation in *Ireland*, for the Execution of the said Act, shall be and be deemed to be vested in and obligatory upon the Commissioners appointed for the Execution of this Act, and that such Commissioners shall for the Purposes of the said Act stand in the Place of such Directors of Inland Navigation, and shall be and be deemed to be the Commissioners for the Execution of the said recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth, continued, revived, and made perpetual as aforesaid; any thing in the said Act contained to the contrary notwithstanding.

Powers of Directors of Inland Navigation under 6 G. 4. c. 101. vested in Commissioners for the Execution of this Act.

CXII. And be it further enacted, That the Words "Commissioners of His Majesty's Treasury" or "of the Treasury," wherever used in this Act, shall be construed to mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, whenever such Officer there shall be.

Definition of Terms.

CXIII. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXIV.

An Act for appointing Commissioners to continue the Enquiries concerning Charities in *England* and *Wales* for Two Years, and from thence to the End of the then next Session of Parliament.

[15th *October* 1831.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for appointing Commissioners to inquire concerning Charities in* England *for the Education of the Poor;* and another Act was passed in the Fifty-ninth Year of the same Reign, intituled *An Act to amend an Act of the last Session of Parliament, for appointing Commissioners to inquire concerning Charities in* England *for the Education of the Poor, and to extend the Powers thereof to other Charities in* England *and* Wales, *to continue in force until the First Day of* August *One thousand eight hundred and twenty-three, and from thence until the End of the then next Session of Parliament;* and an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to continue for Four Years, and from thence until the End of the then next Session of Parliament, the Powers of the Commissioners for inquiring concerning Charities in* England *and* Wales; and an Act was passed in the Tenth Year of the same Reign, intituled *An Act to continue, until the First Day of* July *One thousand eight hundred and*

58 G. 3. c. 91.

59 G. 3. c. 81.

5 G. 4. c. 58.

10 G. 4. c. 57.

and thirty, the Powers of the Commissioners for inquiring concerning Charities in England *and* Wales: And whereas the Commissioners appointed under and by virtue of the said Two first-mentioned Acts pursued the Inquiries thereby authorized and directed, and made several Reports of their Proceedings; but their Powers expired on the First Day of *July* One thousand eight hundred and thirty: And whereas many Charities still remain to be investigated, and further Time will be required for that Purpose, and it is therefore highly expedient that Commissioners should be appointed for the Purposes aforesaid, to act according to the Provisions and Limitations herein-after expressed and contained: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners to be appointed to inquire into the Nature and Management of Charities.

That it shall and may be lawful for His Majesty to issue a Commission under the Great Seal to any Number of Persons not exceeding Twenty, who shall be constituted Commissioners for the Purposes intended by this Act; and that they the said Commissioners shall and they are hereby empowered and required, in manner herein-after mentioned, to examine into and investigate the Amount, Nature, and Application of all Estates and Funds of what Nature or Kind soever, and the Produce thereof, destined or intended to be applied to the Purpose of educating the Poor in *England* and *Wales*, or to the Support of any Charity or Charities, or charitable Donation or Donations for the Benefit of poor Persons in *England* and *Wales*, or held under Trusts created for any charitable Uses or Purposes whatever in *England* or *Wales*, or held under Trusts created for any charitable Uses or Purposes whatever in *England* or *Wales*, (except as is herein-after provided and excepted,) and to examine into and investigate all Breaches of Trust, Irregularities, Frauds, Abuses or supposed Abuses, or Misconduct in relation to and in the Management or Appropriation or Nonappropriation or Misappropriation of such Estates and Funds; and the said Commissioners or any Five of them shall once in each Half Year, during the Continuance of the said Commission, report and certify in Writing under their Hands and Seals, to the King's most Excellent Majesty, their Proceedings touching the Amount, Nature, Management, Application, and Appropriation of such of the aforesaid Estates and Funds as they shall have inquired and examined into, and also what is the Nature of such Estates and Funds respectively, and the actual annual Produce thereof, and what is the actual annual Value thereof, and in whose Possession as Tenants thereof any Part thereof consisting of Lands, Tenements, or Hereditaments shall be, adding at the same Time such Observations as shall occur to them respecting such Mode as they shall deem most effectual for the recovering of such Part or Parts of such Estates or Funds as shall appear to them to have been applied in breach of the several Trusts created in respect of the same, or shall appear to have been omitted to be applied in pursuance of such Trusts, and subjoining such Suggestions as may seem to them expedient respecting the most effectual Mode of securing such Estates and Funds, and their respective Produce, against any future Misapplication thereof.

To report half-yearly.

II. And

Remuneration and Allowance.

And be it further enacted, That no Remuneration shall be [illegible] for and in respect of the Execution of this Act, to such of the [illegible] Commissioners as shall be Members of either House of Parliament [illegible] or to any Number exceeding Ten of the other Commissioners, [illegible] shall be allowed and paid to every such Commissioner such [illegible] Sums for and in respect of such travelling Expences as [illegible] ne to be incurred in the Execution of this Act as in the Judgment of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being shall be deemed requisite.

If Estates cannot be applied, Commissioners to report specially.

III. And be it further enacted, That if upon such Inquiry as aforesaid it shall appear to the said Commissioners that from any Cause whatsoever it has become impossible to apply the Estates or Funds aforesaid, or any Part thereof, to the Purposes to which the same were destined or directed to be applied, the said Commissioners shall report the special Circumstances of each Case.

Commissioners to take an Oath.

IV. And be it further enacted, That the said Commissioners to be appointed by virtue of this Act shall each of them, previously to his entering upon the Execution of the same, take an Oath before the Chancellor of the Exchequer or the Master of the Rolls for the Time being, (which Oath they are hereby respectively authorized and required to administer,) the Tenor whereof shall be as follows; (that is to say,)

'I *A. B.* do swear, That, according to the best of my Skill and Knowledge, I will faithfully, impartially, and truly execute the several Powers and Trusts vested in me by an Act, intituled *An Act [here insert the Title of this Act]*, according to the Tenor and Purport of the said Act.'

Appointment of Secretary, Clerks, &c.

V. And be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized to appoint and employ such Secretary, Clerks, Messengers, and Officers, not exceeding in the whole One Secretary, Five Clerks, One Messenger, and Two other Officers, as they shall think meet, and to administer to the said Secretary, Clerks, and Officers respectively an Oath for his true and faithful Demeanor in all Things relating to the due Performance of any Trust respecting the Execution of this Act reposed in him by the said Commissioners, and in all other Things touching the Premises; which Secretary, Clerks, and Officers are hereby required faithfully to execute and perform the said Trust in them severally and respectively reposed, without taking any thing for such their Service other than such Salary or Reward as the said Commissioners shall think fit to direct and appoint in their Behalf.

Commissioners Meetings.

VI. And be it further enacted, That for the Purpose of prosecuting the Inquiries and Examinations by this Act directed, the said Commissioners or any Two of them shall meet, and from Time to Time, with or without Adjournment, hold their Sittings within the City of *Westminster*, or in any other City, Town, Borough, Hamlet, Village, or Place respectively in *England* or *Wales* which to them shall appear most convenient for executing the Purposes of this Act;

Power to require the Attendance of Persons and Production of Papers.

Act; and the said Commissioners are hereby authorized to require, by Precepts under their Hands and Seals, or under the Hands and Seals of any Two of them, from any Person or Persons acting as a Trustee or Trustees for any of the said Estates or Funds, or having any Concern in the Management or Administration of the same, or in the Payment or Receipt of any of the said Funds or Estates, or any Charge upon any Fund or Estate applicable to any charitable Uses or Purposes as aforesaid, to render to the said Commissioners a true Account, as far as consists with their Knowledge, of all that relates to such Funds or Estates as aforesaid under their Trust or Management, or on account of which they may have acted in making or receiving Payments; and as often as Need shall be, to send their Precepts under their Hands and Seals, or under the Hands and Seals of any Two of them, for any Person or Persons whomsoever to attend them, and require such Person or Persons to bring with him, her, or them any Deed, Paper, Writing, Instrument, or other Document being in his, her, or their Custody and Possession, and relating to any such Estates or Funds or the Produce thereof, or to the Receipt or Application or Nonapplication or Misapplication thereof, which shall in the Judgment of such Commissioners be conducive and necessary to the due Execution of the Purposes of this Act; and every Person to whom such Precept shall as aforesaid have been addressed and delivered is hereby required and directed punctually to attend the said Commissioners at such Time and Place as shall for that Purpose have been appointed; and to every such Person or Persons may be paid such Sum of Money as in the Judgment of the said Commissioners shall be just and reasonable: Provided always, that no such Person shall be obliged to travel in obedience to such Precept more than Ten Miles from his or her Place of Abode.

No Person obliged to travel more than Ten Miles.

Commissioners empowered to examine upon Oath.

VII. And for rendering more effectual all such Examinations as are intended to be had under this Act, be it enacted, That the said Commissioners are hereby authorized to examine upon Oath, or Affirmation of Persons being Quakers, (which Oath or Affirmation the said Commissioners or any Two of them are hereby respectively authorized to administer,) all Persons whom they are by the Provisions of this Act empowered to call before them to be examined, touching all Matters and Things necessary for the Execution of the Powers vested in them by this Act.

One Commissioner may act in certain Cases.

VIII. And be it further enacted, That whenever any such Two Commissioners shall in their Judgment think it expedient that each or either of them should pursue any Examination separately and without the Assistance or Presence of the other of such Two Commissioners, each of such Two Commissioners shall on such Occasion have the same Powers of issuing Precepts, administering Oaths, and conducting the Examinations prescribed by this Act, and under the same Rules and Regulations, as are hereby vested in the said Commissioners or any Two of them; and that it shall be lawful for the said Commissioners or any Five of them, when they may see Occasion, to authorize and direct any One Commissioner to sit within the City of *Westminster* alone, or to resort alone to any other City, Town,

Parish, Hamlet, Village, or Place in *England* or *Wales*, for the Purpose of examining into the Case or Cases of any particular Charity or Charities; and then also and in such Case such Commissioners shall have the same Powers of issuing Precepts, administering Oaths, and conducting the Examinations prescribed by this Act, and under the same Rules and Regulations, as are herein-before vested in the said Commissioners or any Two of them.

Examinations, &c. to be transmitted to the Secretary.

And be it further enacted, That the said Commissioners respectively shall and they are hereby required to cause the Examinations which shall be taken before them respectively, and all Papers and Documents being Parts of such Examinations, to be from Time to Time transmitted to the Secretary of the said Commissioners at their Office in *Westminster* aforesaid.

Penalties of Perjury for false swearing.

X. And be it further enacted, That in case any Person upon Examination on Oath, or being a Quaker upon Affirmation, before the said Commissioner or Commissioners, shall wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as under any Law now in force may be inflicted on Persons convicted of wilful and corrupt Perjury.

Persons refusing to appear before Commissioners, or to produce Deeds or answer Questions, liable to be fined by the Court of King's Bench or Exchequer.

XI. And be it further enacted, That if any Person summoned to appear before the said Commissioners or any One of them shall wilfully omit or refuse to appear before such Commissioners or Commissioner, or to bring or produce any Deed, Paper, or Writing, Instrument or other Document in his or her Possession, Custody, or Power, and which he or she shall be required by the Precept of any such Commissioners or Commissioner to produce, relating wholly to the Estates or Funds which shall be the Subject of Enquiry before the said Commissioners or Commissioner, or to the Receipt or Application or Nonapplication or Misapplication thereof, or to the State of the Schools or Charities which shall be the Subject of Enquiry before such Commissioners or Commissioner, or the true Copy of any Part or Parts of any Deed, Paper, Writing, or other Instrument, (and which Copy any such Commissioners or Commissioner are or is hereby empowered to require by such Precept,) or shall refuse to be sworn, or being a Quaker to affirm, or being sworn, or being a Quaker having affirmed, shall refuse to answer to and before the said Commissioners or Commissioner, or to answer fully, any lawful Question on Oath or Affirmation touching or concerning any Matter or Thing relating to such Estates or Funds as aforesaid, or to the State of such Schools or Charities as aforesaid, (except in Cases excepted by this Act,) every such Person so refusing to comply with any such lawful Requisitions of the said Commissioners or Commissioner shall be liable to the Payment of such Fine to His Majesty as the Court of King's Bench or the Court of Exchequer, on Application made by or on the Behalf of the said Commissioners or Commissioner, or by His Majesty's Attorney General for the Time being, shall think fit to set and impose, which Fine the said Court of King's Bench or Court of Exchequer is hereby authorized and empowered to set and impose according to their Discretion respectively,

and to enforce Payment of the same, by Attachment or otherwise, in such Manner as the said Courts respectively may do in Cases of Contempt of the same Courts.

Purchasers without Notice not bound to answer Interrogatories.

XII. Provided always, and be it further enacted, That if any Person who shall be summoned to appear before the said Commissioners or any One of them shall, upon his or her Examination, allege that he or she hath purchased or obtained for valuable Consideration any Estate or Interest of, in, to, or out of any Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels touching which he or she shall be sought to be so examined, without Fraud or Covin, having no Notice of any charitable Trust or Use to which the said Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels, or any Charge thereon, have been given, limited, or applied, then such Person shall not be bound to make further Answer to any Interrogatory of such Commissioners or Commissioner, nor to produce or show to them or him any Deed, Paper, Writing, Instrument, or other Document relating to his or her Estate or Interest in such Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels.

Mortgagees, Trustees, &c. not compellable to produce Deeds, without Notice to Mortgagors, Cestuique Trusts, &c.

XIII. Provided also, and be it further enacted, That no Person having the Custody of any Deed, Paper, Writing, Instrument, or other Document, as Mortgagee, Trustee or Agent, Solicitor or Attorney, shall be compellable to produce the same, or to give any Evidence as to the Contents thereof, without Notice being first given to his Mortgagor, Cestuique Trust or Principal and the said Mortgagor, Cestuique Trust, or Principal being examined touching the same by the said Commissioners or Commissioner; and in case such Mortgagor, Cestuique Trust, or Principal shall, by the Provisions of this Act, be exempted from producing the said Deed, Paper, Writing, Instrument, or other Document, then the Mortgagee, Trustee or Agent, Solicitor or Attorney, shall not be bound to produce or show the same, or give any Evidence of the Contents thereof, to the said Commissioners or Commissioner: Provided also, that no Person shall be compellable to answer any Question, or to produce any Deed, Paper, Writing, Instrument, or other Document, the Answer to which or the Production of which may criminate or tend to criminate such Person, or to expose such Person to any Pains or Penalties.

Persons not compellable to criminate themselves.

Officers having Custody of Records, to furnish Extracts if required by a Commissioner.

XIV. And be it further enacted, That whenever any Extract from the Inrolment of any Charter or Deed, or from any Decree, Report, Record, or other Document whatever, deposited or remaining in any of the Offices belonging to or under the Controul of the Courts of Chancery or Exchequer, or in any public Registry, shall be required for the Purposes of this Act by an Order signed by One of the Commissioners under this Act, the Officer or Officers having the Custody of such Inrolment, Decree, Report, Record, or other Document shall furnish an Extract of so much only as shall be so required of any such Inrolment, Decree, Report, Record, or other Document; and that any such Extract or any Copy which shall be required for the Purposes of this Act, by any Order signed by One of the

No Stamp Duty on such Extracts, &c.

Commissioners, of any such Inrolment, Decree, Report, or other Document, shall not be subject or liable to the Pay- any Stamp Duty whatever, any Law, Statute, or Usage to ry in anywise notwithstanding.

Vacancies of Commissioners may be filled up.

ıd be it further enacted, That in case of a Vacancy or by Death, Removal, or Resignation of any such Com- ıı ..., it shall be lawful for His Majesty, His Heirs and Successors, to nominate and appoint such Person or Persons as He or They may think proper for the supplying of such Vacancy or Vacancies.

Act not to extend to Universities and certain Schools, &c.

XVI. And be it further enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to either of the Universities of *Oxford* or *Cambridge*, nor to any College or Hall within the same, nor to any Schools or other Endowments of which the said Universities, Colleges, or Halls are Trustees; nor to the Colleges of *Westminster*, *Eton*, or *Winchester*; nor to the *Charter House*; nor to the Royal Hospitals of *Christ*, *Bridewell*, *Saint Thomas the Apostle*, *Saint Bartholomew*, and *Bethlem*; nor to the Schools of *Harrow* or *Rugby*, or any of them; nor to any Cathedral or Collegiate Church within *England* or *Wales*; nor to the Corporation of the Trinity House of *Deptford Strond*; nor to any Funds applicable to the Benefit of any Persons of the Jewish Persuasion, or the People called *Quakers*, or Persons of the Roman Catholic Persuasion, and which shall be under the Superintendence and Control of Persons of such Persuasions respectively.

nor to Charities chiefly supported by voluntary Contributions;

except as to Management and Application of Rents for 20 Years.

XVII. Provided also, and be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to any Institution, Establishment, or Society for charitable Purposes, wholly or principally maintained by voluntary Contributions, and under the Superintendence and Controul of any Committee or Governors or other Person or Persons chosen or appointed out of or by voluntary Subscribers thereto; and that the Application of any Donation or Bequest to the general Purposes of any such Institution, Establishment, or Society, in aid of such voluntary Contributions, shall not be subject to the Examination or Interference of the Commissioners appointed under this Act: Provided always, that the Management and Application of the Rents and Profits of any Lands, Tenements, or Hereditaments belonging to such Institution, Establishment, or Society, for the Period of Twenty Years or upwards before the passing of this Act, shall in all such Cases be subject to the Examination of the said Commissioners at their Discretion.

Limitation of Actions.

XVIII. And be it further enacted, That any Action or Suit which shall be brought against any Commissioner or Commissioners to be appointed under the Authority of this Act, or against any Person or Persons acting under the Authority or by the Order of such Commissioners, or any One or more of them, for any thing done or acted by him or them under this Act, shall be commenced within Six Calendar Months next after the Fact committed (in respect of which such Action or Suit shall be brought or commenced), and not afterwards; and the Defendant or Defendants in every such Action or Suit

General Issue.

Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time so limited for bringing the same, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action after Appearance, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, which he or they shall and may recover in such and the same Manner as any Defendant can by Law in other Cases.

Treble Costs.

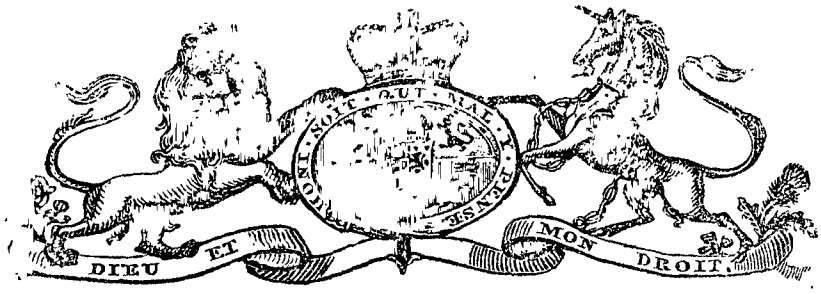
Continuance of Act.

XIX. And be it further enacted, That this Act shall continue in force until the First Day of *September* One thousand eight hundred and thirty-three, and from thence until the End of the then next Session of Parliament.

Act may be amended this Session.

XX. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXV.

An Act to explain and amend an Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law.

[15th *October* 1831.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth and First Year of the Reign of His present Majesty, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*, Persons holding certain Offices and Employments are required to render to the Commissioners to be appointed by virtue of the said Act an Account of the lawful Fees and Emoluments which have become due in respect of such Offices and Employments during the Periods therein specified; and such Commissioners are thereby authorized to inquire into and examine as well the Legality as the Amount of the Fees and Emoluments contained in such Accounts, and are directed to ascertain the gross and net annual Value, according to an Average of Ten Years, of the lawful Fees and Emoluments of such Offices and Employments as aforesaid: And whereas it is difficult in many Cases to find any certain Rule by which the Legality of such Fees and Emoluments can be strictly ascertained; and it is expedient that the Compensation directed by the said Act should be made upon equitable Principles: Be it therefore enacted and declared by the King's most 1 W. 4. c 58.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Fees and Emoluments received and enjoyed in respect of the said Offices or Employments which the said Commissioners shall deem to be reasonable, and which shall have been received for Fifty Years before the Twenty-fourth Day of *May* One thousand eight hundred and thirty-one, or which shall have been uniformly received in respect of any Matter or Business which shall have first arisen within the said Period of Fifty Years, by Authority of Parliament or other legal Authority, shall be deemed and taken to be legal Fees and Emoluments within the true Intent and Meaning of the said Act.

Certain Fees to be deemed legal Fees.

II. And be it further enacted, That if such Commissioners shall entertain any Doubt as to the Propriety or Reasonableness of any such Fees, or any Matter connected therewith, it shall be lawful for them to consult thereon the Court or Judge by whose Officer the same may have been received, or any One or more of the Judges of such Court; and such Court and Judges shall and are hereby required to give their or his Advice and Opinion as early as the same can be reasonably done; and that the Advice so given, and the Question to which it is in answer, shall be in Writing.

If Commissioners are in doubt as to the Legality of any Fees, they may consult the Court or Judge.

III. And be it further enacted, That the Persons holding the Offices or Situations named in the Schedule to this Act annexed shall be deemed and taken to be within the true Intent and Meaning of the said Act, and within the Authority and Jurisdiction of the said Commissioners, who shall inquire into and report upon the Value of the said Offices or Situations.

Persons named in the Schedule to be deemed within the Meaning of this Act.

IV. And whereas by another Act, passed in the same Year, intituled *An Act for the better Administration of Justice in* England *and* Wales, Persons holding Freehold Offices were alone empowered to receive Compensation from Commissioners to be appointed by virtue of that Act, albeit the Holders of such Offices for Years or during Pleasure are in Justice entitled thereto; be it further enacted, That all Persons who before the First Day of *January* in the Year of our Lord One thousand eight hundred and twenty-eight held Offices or Situations in any of the Courts of Great Session in the County of *Chester* or Principality of *Wales*, by virtue of any Appointment theretofore lawfully made, for Term of Years or during Pleasure, shall be deemed and taken to be within the true Intent and Meaning of the said Act as above mentioned, and within the Jurisdiction and Authority of the Commissioners appointed by virtue of the same Act.

Certain Persons who have held Offices for Years, or during Pleasure, to receive Compensation. 1 W. 4. c. 70. s. 25.

SCHE-

SCHEDULE.

Master or Secondary of the Courts of King's Bench at Westminster; Signer of the Writs in the same Court; Chaplain of the King's Bench Prison; Chief Usher of the said Court; Under Ushers and Criers of the same Court; Keeper of Westminster Hall; Warden of the Fleet Prison; Officers of the Revenue Side of the Courts of Exchequer at Westminster; Officers acting under Commissioners of Assize at Nisi Prius, Oyer and Terminer, and General Gaol Delivery in England; who held such Office on the Twenty-fourth Day of May in the Year of our Lord One thousand eight hundred and thirty.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXVI.

An Act to repeal several Acts and Parts of Acts prohibiting the Payment of Wages in Goods, or otherwise than in the current Coin of the Realm. [15th *October* 1831.]

WHEREAS by certain Provisions contained in an Act of Parliament passed in the Fourth Year of the Reign of King *Edward* the Fourth, intituled *An Act for improving the Manufacture of Cloths, and preventing the Importation thereof;* and by certain Provisions of an Act passed in the Eighth Year of the Reign of Queen *Elizabeth*, intituled *An Act touching Drapers, Cottoners, and Frizers in the Town of* Shrewsbury: And whereas by certain Provisions of an Act of Parliament passed in the Fourteenth Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Repeal of a Statute made Anno Octavo of the Queen's Majesty's Reign, touching the Town of* Shrewsbury; and by certain Provisions of an Act passed in the First Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom;* and by certain other Provisions of an Act passed in the Ninth Year of the Reign of Her said late Majesty Queen *Anne*, intituled *An Act for reviving and continuing an Act made in the First Year of Her Majesty's Reign, for the more effectual preventing Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and*

4 Ed. 4. c. 1.

8 Eliz. c. 7.

14 Eliz. c. 12.

1 Ann. c. 18.

9 Ann. c. 30.

Iron Manufactures of this Kingdom; and by certain other Provisions of an Act passed in the Tenth Year of the Reign of Her said late
10 Ann. c. 16. Majesty Queen *Anne*, intituled *An Act for regulating, improving, and encouraging the Woollen Manufacture of Mixed and Medley Broad Cloth, and for the better Payment of the Poor employed therein;* and by certain other Provisions of an Act passed in the First Year of the Reign of His late Majesty King *George* the First,
1 G. 1. c. 15. intituled *An Act to make an Act of the Tenth Year of Her late Majesty, intituled 'An Act for regulating, improving, and encouraging of the Woollen Manufacture of Mixed or Medley Broad Cloth, and for the better Payment of the Poor employed therein,' more effectual for the Benefit of Trade in general; and also to render more effectual an Act of the Seventh Year of Her said Majesty's Reign, intituled 'An Act for the better ascertaining the 'Lengths and Breadths of Woollen Cloth made in the County of 'York;'* and by certain other Provisions of an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First,
12 G. 1. c. 34. intituled *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages;* and by certain other Provisions of an Act passed in the Thirteenth Year of the Reign of His said late Majesty King
13 G. 1. c. 23. *George* the First, intituled *An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for prosecuting for the Forfeiture appointed by an Act of the Twelfth Year of His Majesty's Reign, in case of Payment of the Workmen's Wages in any other Manner than in Money;* and by certain other Provisions of an Act passed in the Thirteenth Year of the Reign of His late
13 G. 2. c. 8. Majesty King *George* the Second, intituled *An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the more effectual preventing the 'Abuses and Frauds of Persons employed in the working up the 'Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this 'Kingdom,' and for extending the said Act to the Manufactures of Leather;* and by certain other Provisions of an Act passed in the Twenty-second Year of the Reign of His said late Majesty King
22 G. 2. c. 27. *George* the Second, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages;* and by certain Provisions of an Act passed in the Twenty-ninth Year of the Reign of
29 G. 2. c. 33. His said late Majesty King *George* the Second, intituled *An Act to render more effectual an Act passed in the Twelfth Year of the Reign of His late Majesty King* George, *to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages;* and by certain other Provisions of an Act passed in the Thirtieth Year of the Reign of His said late Majesty King *George*
30 G. 2. c. 12. the Second, intituled *An Act to amend an Act made in the Twenty-ninth Year of the Reign of His present Majesty, intituled 'An Act to 'render more effectual an Act passed in the Twelfth Year of the Reign*

'of His late Majesty King George, to prevent unlawful Combinations 'of Workmen employed in the Woollen Manufactures, and for better 'Payment of their Wages,' and also an Act passed in the Thirteenth Year of the Reign of His said late Majesty, for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for prosecuting for the Forfeiture appointed by the aforesaid Act, in case of Payment of the Workmen's Wages in any other Manner than in Money; and by certain other Provisions of an Act passed in the Seventeenth Year of His late Majesty King George the Third, intituled *An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and also for making Provisions to prevent Frauds by Journeymen Dyers;* and by a certain Act passed in the Nineteenth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to prevent Abuses in the Payment of Wages to Persons employed in the Bone and Thread Lace Manufactory;* as well as by Two other Acts of the Fifty-seventh Year of the Reign of His Majesty King George the Third, the one intituled *An Act to extend the Provisions of an Act of the Twelfth Year of His late Majesty King* George *the First, and an Act of the Twenty-second Year of His late Majesty King* George *the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Manufacture of Articles made of Steel and Iron combined, and of Plated Articles, or of other Articles of Cutlery,* and the other intituled *An Act to extend the Provisions of an Act of the Twelfth Year of His late Majesty King* George *the Third, and an Act of the Twenty-second Year of His late Majesty King* George *the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Collieries or in the working and getting of Coal in the United Kingdom of* Great Britain *and* Ireland, *and for extending the Provisions of the said Acts to* Scotland *and* Ireland: And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend certain Acts passed in the Fourth Year of King* Edward *the Fourth, First and Tenth Years of Queen* Anne, *First, Twelfth, and Thirteenth Years of King* George *the First, Thirteenth, Twenty-second, and Twenty-ninth Years of King* George *the Second, and Thirteenth and Fifty-seventh Years of King* George *the Third, prohibiting the Payment of the Wages of Workmen in certain Trades otherwise than in the lawful Coin or Money of this Realm,* Provision is made respecting the Payment of the Wages of Workmen in certain Trades and Occupations in the aforesaid Acts enumerated: And whereas it is expedient to consolidate the Law respecting the Payment of the Wages of Workmen in the several Trades and Occupations in the said recited Acts and herein-after mentioned, and for that Purpose to repeal the said Acts, or so much thereof as herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

17 G. 3. c. 56.

19 G. 3. c. 49.

57 G. 3. c. 115.

57 G. 3. c. 122.

58 G. 3. c. 51.

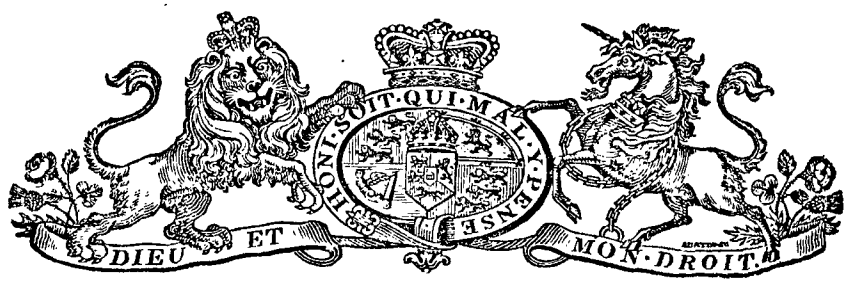
Repeal of existing Statutes as to the Payment of Wages in Goods;

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts so passed as aforesaid in the Nineteenth and the Fifty-seventh and Fifty-eighth Years of His said late Majesty King *George* the Third, and so much of the said several other recited Acts as regulates or relates to the Payment of the Wages of Workmen in the several Trades and Occupations therein enumerated in Goods or by way of Truck, shall be and the same are respectively hereby repealed.

except as to Recovery of Wages, Prosecution of Offences, Recovery of Penalties, &c.

II. Provided always, and it is hereby enacted and declared, That nothing herein contained shall or doth extend to repeal any Provisions contained in any of the said recited Acts respecting the Recovery by any Workmen or Labourers of the Wages of their Labour, or to deprive any such Workmen or Labourers of any Remedies now by Law provided for the Recovery of any such Wages; and provided also, that all Offences committed against, and all Penalties incurred under the said recited Acts or any of them, shall and may be prosecuted, sued for, recovered, and applied in the same Manner as if this present Act had not been made; and provided also, that nothing herein contained shall extend or be construed to revive any Act or any Part of any Act of Parliament which hath heretofore been repealed by any of the said recited Acts.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXVII.

An Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm. [15th *October* 1831.]

WHEREAS it is necessary to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Contracts hereafter to be made for the hiring of any Artificer in any of the Trades herein-after enumerated, or for the Performance by any Artificer of any Labour in any of the said Trades, the Wages of such Artificer shall be made payable in the current Coin of this Realm only, and not otherwise; and that if in any such Contract the Whole or any Part of such Wages shall be made payable in any Manner other than in the current Coin aforesaid, such Contract shall be and is hereby declared illegal, null, and void.

Contracts for the hiring of Artificers must be made in the current Coin of the Realm;

II. And be it further enacted, That if in any Contract hereafter to be made between any Artificer in any of the Trades herein-after enumerated, and his Employer, any Provision shall be made directly or indirectly respecting the Place where, or the Manner in which, or the Person or Persons with whom, the Whole or any Part of the Wages due or to become due to any such Artificer shall be laid out or expended, such Contract shall be and is hereby declared illegal, null, and void.

and must not contain any Stipulations as to the Manner in which the Wages shall be expended.

All Wages must be paid to the Workman in Coin.

Payment in Goods declared illegal.

III. And be it further enacted, That the entire Amount of the Wages earned by or payable to any Artificer in any of the Trades herein-after enumerated, in respect of any Labour by him done in any such Trade, shall be actually paid to such Artificer in the current Coin of this Realm, and not otherwise; and every Payment made to any such Artificer by his Employer, of or in respect of any such Wages, by the delivering to him of Goods, or otherwise than in the current Coin aforesaid, except as herein-after mentioned, shall be and is hereby declared illegal, null, and void.

Artificers may recover Wages, if not paid in the current Coin.

IV. And be it further enacted, That every Artificer in any of the Trades herein-after enumerated shall be entitled to recover from his Employer in any such Trade, in the Manner by Law provided for the Recovery of Servants Wages, or by any other lawful Ways and Means, the Whole or so much of the Wages earned by such Artificer in such Trade as shall not have been actually paid to him by such his Employer in the current Coin of this Realm.

In an Action brought for Wages, no Set-off shall be allowed for Goods supplied by the Employer, or by any Shop in which the Employer is interested.

V. And be it further enacted, That in any Action, Suit, or other Proceeding to be hereafter brought or commenced by any such Artificer as aforesaid, against his Employer, for the Recovery of any Sum of Money due to any such Artificer as the Wages of his Labour in any of the Trades herein-after enumerated, the Defendant shall not be allowed to make any Set-off, nor to claim any Reduction of the Plaintiff's Demand, by reason or in respect of any Goods, Wares, or Merchandize had or received by the Plaintiff as or on account of his Wages or in Reward for his Labour, or by reason or in respect of any Goods, Wares, or Merchandize sold, delivered, or supplied to such Artificer at any Shop or Warehouse kept by or belonging to such Employer, or in the Profits of which such Employer shall have any Share or Interest.

No Employer shall have any Action against his Artificer for Goods supplied to him on account of Wages.

VI. And be it further enacted, That no Employer of any Artificer in any of the Trades herein-after enumerated shall have or be entitled to maintain any Suit or Action in any Court of Law or Equity against any such Artificer, for or in respect of any Goods, Wares, or Merchandize sold, delivered, or supplied to any such Artificer by any such Employer, whilst in his Employment, as or on account of his Wages or Reward for his Labour, or for or in respect of any Goods, Wares, or Merchandize sold, delivered, or supplied to such Artificer at any Shop or Warehouse kept by or belonging to such Employer, or in the Profits of which such Employer shall have any Share or Interest.

If the Artificer or his Wife or Children become chargeable to the Parish, the Overseers may recover any Wages earned within the Three

VII. And be it further enacted, That if any such Artificer as aforesaid, or his Wife or Widow, or if any Child of any such Artificer, not being of the full Age of Twenty-one Years, shall become chargeable to any Parish or Place, and if within the Space of Three Calendar Months next before the Time when any such Charge shall be incurred such Artificer shall have earned or have become entitled to receive any Wages for any Labour by him done in any of the said Trades, which Wages shall not have been paid to such Artificer in the current Coin of this Realm, it shall be lawful for the Overseers

 or

or Overseer of the Poor in such Parish or Place to recover from the Employer of such Artificer in whose Service such Labour was done the full Amount of Wages so unpaid, and to proceed for the Recovery thereof by all such Ways and Means as such Artificer himself might have proceeded for that Purpose; and the Amount of the Wages which may be so recovered shall be applied in reimbursing such Parish or Place all Costs and Charges incurred in respect of the Person or Persons to become chargeable, and the Surplus shall be applied and paid over to such Person or Persons.

preceding Months, and not paid in Cash.

VIII. Provided always, and be it further enacted, That nothing herein contained shall be construed to prevent or to render invalid any Contract for the Payment, or any actual Payment, to any such Artificer as aforesaid, of the Whole or any Part of his Wages, either in the Notes of the Governor and Company of the Bank of *England*, or in the Notes of any Person or Persons carrying on the Business of a Banker, and duly licensed to issue such Notes in pursuance of the Laws relating to His Majesty's Revenue of Stamps, or in Drafts or Orders for the Payment of Money to the Bearer on Demand, drawn upon any Person or Persons carrying on the Business of a Banker, being duly licensed as aforesaid, within Fifteen Miles of the Place where such Drafts or Orders shall be so paid, if such Artificer shall be freely consenting to receive such Drafts or Orders as aforesaid, but all Payments so made with such Consent as aforesaid, in any such Notes, Drafts, or Orders as aforesaid, shall for the Purposes of this Act be as valid and effectual as if such Payments had been made in the current Coin of the Realm.

Not to invalidate the Payment of Wages in Bank Notes, if Artificer consents.

IX. And be it further enacted, That any Employer of any Artificer in any of the Trades herein-after enumerated, who shall, by himself or by the Agency of any other Person or Persons, directly or indirectly enter into any Contract or make any Payment hereby declared illegal, shall for the First Offence forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, and for the Second Offence any Sum not exceeding Twenty Pounds nor less than Ten Pounds, and in case of a Third Offence any such Employer shall be and be deemed guilty of a Misdemeanor, and, being thereof convicted, shall be punished by Fine only, at the Discretion of the Court, so that the Fines shall not in any Case exceed the Sum of One hundred Pounds.

Penalties on Employers entering into Contracts hereby declared illegal.

X. And be it further enacted, That all Offences committed against this Act, and not herein-before declared a Misdemeanor, shall be enquired of and determined, and that all Fines and Penalties for such Offences shall be sued for and recovered by any Person or Persons who shall sue for the same, before any Two Justices of the Peace having Jurisdiction within the County, Riding, City, or Place in which the Offence shall have been committed; and that the Amount of the Fines, Penalties, and other Punishments to be inflicted upon any such Offenders shall, within the Limits herein-before prescribed, be in the Discretion of such Justices, or, in Cases of Misdemeanor, of the Court before which the Offence may be tried; and in case of a Second Offence against this Act, it shall be sufficient Evidence of the

Penalties how to be recovered.

Second Offence.

the previous Conviction and Offence, if a Certificate, signed by the Clerk of the Peace or other Officer having the Custody of the Record of such previous Conviction, shall be produced before the said Justices enquiring of such Second Offence, in which Certificate shall be stated in a compendious Form the general Nature of the Offence for which such previous Conviction was had, and the Date of such previous Conviction; and so, in like Manner, upon the Trial of any Indictment or Information for any such Misdemeanor as aforesaid, it shall be sufficient Evidence of such Second Conviction for a like Offence if a Certificate thereof, signed by the Clerk of the Peace or other Officer having the Custody of the Record of such Second Conviction, in such Form as aforesaid, be produced to the Court and Jury: Provided always, that no Person shall be punished as for a Second Offence under this Act unless Ten Days at the least shall have intervened between the Conviction of such Person for the First and the Conviction by such Person of the Second Offence, but each separate Offence committed by any such Person before the Expiration of the said Term of Ten Days shall be punishable by a separate Penalty, as though the same were a First Offence; and that no Person shall be punished as for a Third Offence under this Act, unless Ten Days at the least shall have intervened between the Conviction of such Person for the Second and the Conviction by such Person of the Third Offence; but each separate Offence committed by any such Person before the Expiration of the said Term of Ten Days shall be punishable by a separate Penalty, as though the same were a Second Offence; and that the Fourth or any subsequent Offence which may be committed by any such Person against this Act shall be enquired of, tried, and punished in the Manner hereinbefore provided in respect of any Third Offence; and that if the Person or Persons preferring any such Information shall not be able or shall not see fit to produce Evidence of any such previous Conviction or Convictions as aforesaid, any such Offender as aforesaid shall be punished for each separate Offence by him committed against the Provisions of this Act by an equal Number of distinct and separate Penalties, as though each of such Offences were a First or a Second Offence, as the Case may be; and that no Person shall be proceeded against or punished as for a Second or as for a Third Offence at the Distance of more than Two Years from the Commission of the next preceding Offence.

Proviso.

Justices may compel the Attendance of Witnesses.

XI. And be it further enacted, That it shall be lawful for any One Justice of the Peace, in all Cases where any Information or Complaint shall be made as aforesaid, and he is hereby authorized and required, at the Request in Writing of any of the Parties to the said Complaint, and on the Oath of the Informer or Complainant, or of the Person informed or complained against, that he believes that the Attendance of any Person or Persons as a Witness or Witnesses will be material to the Hearing of such Information, to issue his Summons to any such Person or Persons, Witness or Witnesses, to appear and give Evidence on Oath before himself and such other Justice or Justices as shall hear and determine such Information or Complaint, the Time and Place of hearing and determining the same being specified in the said Summons; and if

any Person or Persons so summoned shall not appear before the said last-mentioned Justices at the Time or Place so specified in the said Summons, and shall not offer any reasonable Excuse for the Default, to the Satisfaction of the said last-mentioned Justices, or appearing according to the Directions of the said Summons shall not submit to be examined as a Witness or Witnesses, then and in every such Case it shall be lawful for such last-mentioned Justices, and they are hereby authorized, (Proof on Oath, in the Case of any Person not appearing according to such Summons, having been first made before such last-mentioned Justices of the due Service of such Summons on every such Person, by delivering the same to him or to her, or by leaving the same at the usual Place of Abode of such Person, Twenty-four Hours at the least before the Time appointed for such Person to appear before such last-mentioned Justices,) by Warrant under the Hands and Seals of such last-mentioned Justices to commit such Person or Persons so making Default in appearing, or appearing and refusing to give Evidence, to some Prison within the Jurisdiction of the said Justices, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person or Persons shall submit to be examined and give Evidence.

Power to levy Penalties by Distress.

XII. And be it further enacted, That all Justices of the Peace shall and are hereby empowered, on the Conviction of any Person or Persons for any Offence against this Act, in default of Payment of any Penalty or Forfeiture, together with the reasonable Costs and Charges attending such Conviction, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant or Warrants under the Hands and Seals of such Justices, together with the reasonable Costs of such Distress and Sale; and in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or Offenders or by the Oath of One or more credible Witness or Witnesses, that he, she, or they hath not or have not Goods and Chattels within the Jurisdiction of such Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justices may, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol for Three Calendar Months (unless the same be sooner paid), in such Manner as if a Warrant of Distress had been issued, and a Return of Nulla bona made thereon.

A Partner not to be liable in Person for the Offence of his Co-partner, but the Partnership Property to be so liable.

XIII. And be it further enacted, That no Person shall be liable to be convicted of any Offence against this Act committed by his or her Copartner in Trade, and without his or her Knowledge, Privity, or Consent; but it shall be lawful, when any Penalty, or any Sum for Wages, or any other Sum, is ordered to be paid, under the Authority of this Act, and the Person or Persons ordered to pay the same shall neglect or refuse to do so, to levy the same by Distress and Sale of any Goods belonging to any Copartnership Concern or Business in the carrying on of which such Charges may have become due or such Offence may have been committed; and in all Proceedings under this Act to recover any Sum due for Wages it shall be lawful in all Cases of Copartnership for the Justices, at the Hearing of any Complaint for the Nonpayment thereof, to make an Order upon any One or more

more Copartners for the Payment of the Sum appearing to be due; and in such Case the Service of a Copy of any Summons or other Process, or of any Order, upon One or more of such Copartners, shall be deemed to be a sufficient Service upon all.

How Summonses are to be served.

XIV. And it is declared and enacted, That in all Cases it shall be deemed and taken to be sufficient Service of any Summons to be issued against any Offender or Offenders by any Justice or Justices of the Peace, under the Authority of this Act, if a Duplicate or true Copy of the same be left at or upon the Place used or occupied by such Offender or Offenders for carrying on his, her, or their Trade or Business, or at the Place of Residence of any such Offender or Offenders, being at or upon any such Place as aforesaid, the same being directed to such Offender or Offenders by his, her, or their right or assumed Name or Names.

Form of Conviction, &c.

XV. And be it further enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act, or by whom any Person shall be committed to the Common Gaol, in default of a sufficient Distress, or for not appearing as a Witness or not submitting to be examined, shall cause all such Convictions, and the Summonses for the Attendance of Witnesses, and the Warrants or Orders for such Commitments, and the Warrant or Order for any such Distress, to be drawn up in the Form or to the Effect set forth in the Schedule to this Act annexed, with such Additions or Variations as may be necessary for adapting the same to the particular Circumstances of the Case.

Justices to return Convictions to the Clerk of the Peace, who is to deliver Copies to Persons applying.

XVI. And be it further enacted, That the Justices before whom any Conviction shall be had under this Act shall cause the same to be returned to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Offence shall have been committed, and the same shall then and there be delivered to the Clerk of the Peace, or other Person acting as such, to be by him filed among the Records of the said Court; and such Clerk of the Peace, or other Person acting as such, is hereby required, on the Tender and Payment to him of the Sum of One Shilling, to grant to any Person or Persons, on Demand, a Copy of any such Conviction, with a Certificate thereupon indorsed or thereunto annexed, that the same is a true and accurate Copy of the original Conviction returned to such General or Quarter Sessions as aforesaid.

Convictions not to be quashed for Want of Form.

XVII. And be it further enacted, That no Conviction, Order, or Adjudication made by any Justices of the Peace under the Provisions of this Act shall be quashed for Want of Form, nor be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Distress, or of Commitments in default of sufficient Distress, shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

XVIII. And

XVIII. And be it further enacted, That out of any Penalty or Forfeiture incurred by any Offence committed against this Act it shall be lawful for the Court or Justices imposing the same to award any Sum to the Informer, not exceeding in any Case the Sum of Twenty Pounds; and the rest of any such pecuniary Penalty or Forfeiture shall go to the Treasurer of the County in which the Offence shall be committed, in aid of the Rates of such County: Provided always, that every Proceeding whatsoever for any Offence against this Act shall be commenced within Three Calendar Months after such Offence shall have been committed. Application of Penalties.

XIX. And be it further enacted, That nothing herein contained shall extend to any Artificer, Workman, or Labourer, or other Person engaged or employed in any Manufacture, Trade, or Occupation, excepting only Artificers, Workmen, Labourers, and other Persons employed in the several Manufactures, Trades, and Occupations following; (that is to say,) in or about the making, casting, converting, or manufacturing of Iron or Steel, or any Parts, Branches, or Processes thereof; or in or about the working or getting of any Mines of Coal, Ironstone, Limestone, Salt Rock; or in or about the working or getting of Stone, Slate, or Clay; or in the making or preparing of Salt, Bricks, Tiles, or Quarries; or in or about the making or manufacturing of any Kinds of Nails, Chains, Rivets, Anvils, Vices, Spades, Shovels, Screws, Keys, Locks, Bolts, Hinges, or any other Articles or Hardwares made of Iron or Steel, or of Iron and Steel combined, or of any plated Articles of Cutlery, or of any Goods or Wares made of Brass, Tin, Lead, Pewter, or other Metal, or of any japanned Goods or Wares whatsoever; or in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, bleaching, dyeing, printing, or otherwise preparing of any Kinds of Woollen, Worsted, Yarn, Stuff, Jersey, Linen, Fustian, Cloth, Serge, Cotton, Leather, Fur, Hemp, Flax, Mohair, or Silk Manufactures whatsoever, or in or about any Manufactures whatsoever made of the said last-mentioned Materials, whether the same be or be not mixed one with another; or in or about the making or otherwise preparing, ornamenting, or finishing of any Glass, Porcelain, China, or Earthenware whatsoever, or any Parts, Branches, or Processes thereof, or any Materials used in any of such last-mentioned Trades or Employments; or in or about the making or preparing of Bone, Thread, Silk, or Cotton Lace, or of Lace made of any mixed Materials. Specification of the Trades to which the Act is to apply.

XX. And be it further enacted, That nothing herein contained shall extend to any Domestic Servant or Servant in Husbandry. Domestics.

XXI. And be it further enacted, That no Justice of the Peace, being a Person also engaged in any of the Trades or Occupations enumerated in this Act, or the Father, Son, or Brother of any such Person, shall act as a Justice of the Peace under this Act. Certain Persons not to act as Justices.

XXII. And be it further enacted, That in all Cities, Boroughs, or Corporate Towns, where the Magistrates for the Time being are disqualified by the foregoing Clause from administering this Act, then and County Magistrates to act in Cases where those of Towns,

&c. are disqualified as above.

and in every such Case, and so often as the same shall happen, it shall be lawful for the Magistrates of the County in which the Offence may be committed (and not disqualified as aforesaid) to administer, and they are hereby authorized and empowered to hear, examine, and determine any Offences committed against this Act, in any such Cities, Boroughs, or Corporate Towns; and it shall be lawful for the Complainant to remove the Cases of Information or Complaint from the said Cities, Boroughs, or Corporate Towns to any other Court of Session or Petty Session not exceeding Twelve Miles from the Place where the Offence shall have been committed; any Law, Charter, Usage, or Custom to the contrary notwithstanding.

Particular Exceptions to the Generality of the Law.

XXIII. And be it further enacted and declared, That nothing herein contained shall extend or be construed to extend to prevent any Employer of any Artificer, or Agent of any such Employer, from supplying or contracting to supply to any such Artificer any Medicine or Medical Attendance, or any Fuel, or any Materials, Tools, or Implements to be by such Artificer employed in his Trade or Occupation, if such Artificers be employed in Mining, or any Hay, Corn, or other Provender to be consumed by any Horse or other Beast of Burden employed by any such Artificer in his Trade and Occupation; nor from demising to any Artificer, Workman, or Labourer employed in any of the Trades or Occupations enumerated in this Act the Whole or any Part of any Tenement at any Rent to be thereon reserved; nor from supplying or contracting to supply to any such Artificer any Victuals dressed or prepared under the Roof of any such Employer, and there consumed by such Artificer; nor from making or contracting to make any Stoppage or Deduction from the Wages of any such Artificer, for or in respect of any such Rent; or for or in respect of any such Medicine or Medical Attendance; or for or in respect of such Fuel, Materials, Tools, Implements, Hay, Corn, or Provender, or of any such Victuals dressed and prepared under the Roof of any such Employer; or for or in respect of any Money advanced to such Artificer for any such Purpose as aforesaid: Provided always, that such Stoppage or Deduction shall not exceed the real and true Value of such Fuel, Materials, Tools, Implements, Hay, Corn, and Provender, and shall not be in any Case made from the Wages of such Artificer, unless the Agreement or Contract for such Stoppage or Deduction shall be in Writing, and signed by such Artificer.

Employers may advance Money to Artificers for certain Purposes.

XXIV. And be it further enacted and declared, That nothing herein contained shall extend or be construed to extend to prevent any such Employer from advancing to any such Artificer any Money to be by him contributed to any Friendly Society or Bank for Savings duly established according to Law, nor from advancing to any such Artificer any Money for his Relief in Sickness, or for the Education of any Child or Children of such Artificer, nor from deducting or contracting to deduct any Sum or Sums of Money from the Wages of such Artificers for the Education of any such Child or Children of such Artificer, and unless the Agreement or Contract for such Deduction shall be in Writing, and signed by such Artificer.

XXV. And

Definition of Terms.

XXV. And be it further enacted and declared, That in the Meaning and for the Purposes of this Act, all Workmen, Labourers, and other Persons in any Manner engaged in the Performance of any Work, Employment, or Operation, of what Nature soever, in or about the several Trades and Occupations aforesaid, shall be and be deemed "Artificers;" and that within the Meaning and for the Purposes aforesaid, all Masters, Bailiffs, Foremen, Managers, Clerks, and other Persons engaged in the Hiring, Employment, or Superintendence of the Labour of any such Artificers, shall be and be deemed to be "Employers;" and that within the Meaning and for the Purposes of this Act, any Money or other Thing had or contracted to be paid, delivered, or given as a Recompence, Reward, or Remuneration for any Labour done or to be done, whether within a certain Time or to a certain Amount, or for a Time or an Amount uncertain, shall be deemed and taken to be the "Wages" of such Labour; and that within the Meaning and for the Purposes aforesaid, any Agreement, Understanding, Device, Contrivance, Collusion, or Arrangement whatsoever on the Subject of Wages, whether written or oral, whether direct or indirect, to which the Employer and Artificer are Parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an Obligation on the other of them, shall be and be deemed a "Contract."

Commencement of Act.

XXVI. And be it further enacted, That this Act shall not commence or take effect till the Expiration of Three Calendar Months next after the Day of passing the same.

To extend over Great Britain.

XXVII. And be it further enacted, That the Provisions of this Act shall extend over the whole of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Great Britain*.

SCHEDULE referred to by the foregoing Act.

Form of Conviction.

to wit. } BE it remembered, That on this Day of in the Year of our Lord , at in the County of , *A. B.* is duly convicted before us, *C. D.* and *J. G.*, Two of His Majesty's Justices of the Peace for the of , for that the said *A. B.* [*specify the Offence, and the Time and Place when and where committed,*] whereby the said *A. B.* has forfeited the Sum of , this being adjudged to be the First [*or* Second] Offence [*as the Case may be*] against the Provisions of an Act to prohibit the Payment of Wages in Goods, besides the Costs of this Conviction, which we assess at the Sum of [*here state to whom and in what Proportions the Penalty and Costs are to be paid*], pursuant to the Statute in that Case provided.

Given under our Hands and Seals,

Summons to Witness.

to wit. } WHEREAS Information upon Oath hath been made before me, *A. B.* Esquire, One of His Majesty's Justices of the Peace for the County aforesaid, that *C. D.* of has been guilty of an Offence against the Laws prohibiting the Payment of Wages in Goods, and that you are a material Witness to be examined on the Hearing and Determination of such Information; These are therefore to require you to appear personally before me, and such other Justice or Justices as shall hear and determine such Information, at in the County aforesaid, on the Day of , at the Hour of of the same Day, there to be examined touching the Matters alleged in such Information. As witness my Hand,

Warrant of Commitment of a Witness.

to wit. } To the Constable or other proper Officer and to the Keeper or Gaoler of

WHEREAS *C. D.* hath been duly summoned to appear and give Evidence before us, *A. O.* and *G. F.*, Two of His Majesty's Justices of the Peace for the County [*or* Riding, City, Division, *or* Place]

Place] of , on this Day of being the Time and Place appointed for hearing and determining the Complaint made on the Oath of before us, against *A. B.*, of having [*stating the Offence as laid in the Information*] contrary to the Laws now in force for prohibiting the Payment of Wages in Goods: And whereas the said *C. D.* hath not appeared before us at the Time and Place aforesaid specified for that Purpose, or offered any reasonable Excuse for his Default [*or*]: And whereas the said *C. D.*, having appeared before us at the Time and Place aforesaid specified for that Purpose, hath not submitted to be examined as a Witness and give his Evidence before us touching the Matter of the said Complaint, but hath refused so to do [*or*]; Therefore we the said Justices do hereby, in pursuance of the Statute made, &cet. [*setting forth the Title of this Act*] commit the said *C. D.* to the [*describing the Prison*] there to remain without Bail or Mainprize, for his Contempt aforesaid, for the Space of Three Calendar Months, or until he shall submit himself to be examined and give his Evidence touching the Matter of the said Complaint, or shall otherwise be discharged by due Course of Law. And you [*the Constable or Peace Officer to whom the Warrant is directed*] are hereby authorized and required to take into your Custody the Body of the said *C. D.*, and him safely to convey to the said Prison, and him there to deliver to the Gaoler or Keeper thereof, who is hereby authorized and required to receive into his Custody the Body of the said *C. D.*, and him safely to retain and keep, pursuant to this Commitment. Given under our Hands and Seals, this Day of in the Year of our Lord

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Warrant to distrain for Forfeiture.

to wit. } To the Constable [Headborough] *or* [Tithingman] of

WHEREAS *A. B.* of is this Day convicted before us, *C. D.* and *J. G.*, Two of His Majesty's Justices of the Peace in and for the said County, upon Oath of *H. K.*, a credible Witness, for that the said *A. B.* did [*here set forth the Offence*], contrary to the Statute in that Case made and provided, by reason whereof the said *A. B.* hath forfeited the Sum of to be distributed as herein is mentioned, besides the Sum of for Costs, both of which he hath refused to pay; These are therefore, in His Majesty's Name, to command you to levy the said Sum of and also the Sum of for Costs, by Distress of the Goods and Chattels of him the said *A. B.*; and if within the Space of Days next after such Distress by you taken, the said Sums, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale that you do retain the said Costs, and also the said Forfeiture or Sum of , and thereout pay to *L. M.*, who hath informed and prosecuted in this Case, the Sum of being his adjudged Portion of such Forfeiture, the Residue whereof

whereof is to go to the Treasurer of the said County of , in aid of the Rates thereof; and that you do return the Overplus, on Demand, to him the said *A. B.* (the reasonable Charges of taking, keeping, and selling the said Distress being first deducted); and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of that then you certify the same to us, together with this Warrant.

Given under our Hands and Seals,

Commitment for Want of Distress.

} To the [Constable] of in the said County,
to wit. } and to the Keeper of the Common Gaol [*or* the House of Correction] at in the said County.

WHEREAS *A. B.* of in the said County was on the Day of convicted before us, *C. D.* and *J. G.*, Two of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *H. K.*, a credible Witness, for that he the said *A. B.* [*here set forth the Offence*], contrary to the Statute made in the Year of the Reign of His Majesty King *William* the Fourth, by reason whereof the said *A. B.* hath forfeited the Sum of besides the Sum of for Costs: And whereas on the Day of in the Year aforesaid we did issue our Warrant to the [Constable] of to levy the said Sum of and Costs, by Distress and Sale of the Goods and Chattels of him the said *A. B.*, and to distribute the same according to the Directions of the said Statute: And whereas it duly appears to us, upon the Oath of the said [Constable], that the said [Constable] hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A. B.* as aforesaid, but that no sufficient Distress can be had whereon to levy the same [*or* by Confession of the said *A. B.*, *or* by the Oath of a credible Witness, that the said *A. B.* hath not Goods and Chattels within our Jurisdiction whereon to levy the said Forfeiture and Costs]; These are therefore to command you the said [Constable] of aforesaid to apprehend the said *A. B.*, and him safely to convey to the Common Gaol [*or* House of Correction] at in the said County, and there to deliver him to the Keeper thereof, together with this Precept. And we do also command you the said Keeper to receive and keep in your Custody the said *A. B.* for the Space of Three Months, unless the said Sum and Costs shall be sooner paid; and for so doing this shall be your sufficient Warrant. Given under our Hands and Seals,

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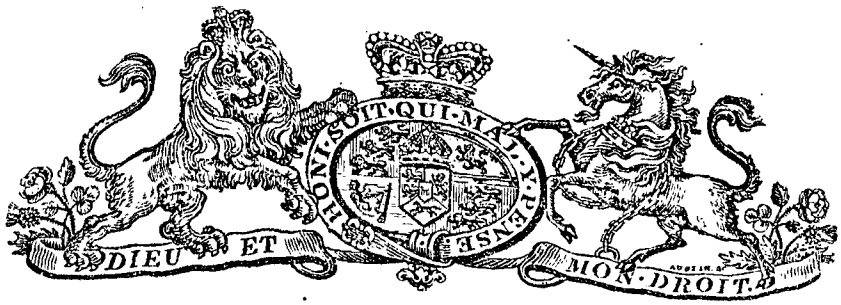

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXVIII.

An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes.* [15th *October* 1831.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty and in the Third Year of His present Majesty, for* 58 G. 3. c. 45. 59 G. 3. c. 134. 3 G. 4. c. 72. 5 G. 4. c. 103.

building and promoting the building of additional Churches in populous Parishes: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:* And whereas by the said recited Act passed in the Fifth Year of the Reign of His late Majesty it was amongst other Things enacted, that with a view to afford Facility to the Erection of Churches and Chapels it should be lawful for certain Persons building or purchasing the same, and endowing them with Pew Rents, to nominate for Forty Years Spiritual Persons to serve such Churches or Chapels respectively, subject to the Consent of the Bishop of the Diocese, and to certain Regulations therein provided: And whereas by the said recited Act passed in the Seventh and Eighth Years of the Reign of His late Majesty further Encouragement was given to the same Object by authorizing His Majesty's Commissioners for building new Churches to declare that any Person or Persons building a Chapel, and endowing the same to the Satisfaction of the said Commissioners, with some permanent Provision in Land or Monies in the Funds, should have the perpetual Right of nominating the Minister to serve the same: And whereas the said Provisions of the said last-recited Act have been found insufficient for such their Purposes, and require Amendment, in order to provide more effectually for the improved Pastoral Superintendence of His Majesty's Subjects: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act passed in the Seventh and Eighth Years of the Reign of His late Majesty as authorizes the said Commissioners to declare, in the Cases therein provided, the Right of nominating the Spiritual Persons to serve the Chapels therein named respectively to be in the Person or Persons building and endowing the same, his, her, or their Heirs and Assigns or Appointees, shall be and the same is hereby repealed.

7 & 8 G. 4. c. 72.

So much of 7 & 8 G. 4. c. 72. as authorizes the Commissioners in certain Cases to declare the Right of nominating, repealed.

II. And be it enacted, That in all Parishes and Extra-parochial Places the Population of which, according to the Returns then last made in pursuance of any Act or Acts of Parliament, shall amount to Two thousand Persons, and in which the existing Churches or Chapels do not afford Accommodation for more than One Third of the Inhabitants for the Attendance upon Divine Service according to the Rites of the United Church of *England* and *Ireland*, and also in all Parishes and Extra-parochial Places in which Three hundred Persons, whatever may be the Amount of the whole Population, shall be resident upwards of Two Miles from any such existing Church or Chapel and within One Mile of the Site upon which a new Church or Chapel is proposed to be erected under the Provisions of this Act, and where any Person or Persons belonging to the Church of *England* shall declare his, her, or their Intention of building a Church or Chapel, or of purchasing any Building fit in all respects to be used as a Church or Chapel for the Performance of Divine Service as aforesaid, or where a Church or Chapel has already been built on the Faith of the said recited Act of the Seventh and Eighth Years of

In Parishes where the Population amounts to 2,000, and the Churches do not afford Accommodation, or where 300 Persons reside more than Two Miles from the Church, if any Person shall declare his Intention of building a Church or Chapel, according to the Conditions herein

of the Reign of King *George* the Fourth, in such a Situation within the said Parish or Place as shall be adapted to the Convenience of that Part of the Inhabitants for whom such additional Accommodation is necessary, and where such Person or Persons shall declare their Intention of providing a Sum of One thousand Pounds at the least by way of Endowment for such Church or Chapel, to be secured upon Lands or Money in the Funds, in addition to the Pew Rents and Profits arising from the said Church or Chapel, in case any such Rents shall be taken, and shall also declare his, her, or their Intention of providing a Fund for the Repairs of the said Church or Chapel, in manner following, (namely,) One Sum, equal in Amount to Five Pounds upon every One hundred Pounds of the original Cost of erecting and fitting up or of purchasing such Chapel or Building, to be secured upon Lands or Money in the Funds as aforesaid, and also a further Sum to be reserved annually out of the Pew Rents of the said Church or Chapel, after the Rate of Five Pounds for every One hundred Pounds of the Sum so to be provided as last aforesaid, and also if such Person or Persons shall further declare his, her, or their Intention of setting apart or appropriating One Third at least of the Sittings in such Church or Chapel to be and continue for ever as Free Sittings, it shall be lawful for the Bishop of the Diocese in which such Parish or Extra-parochial Place is locally situate, if he shall see fit, and he is hereby authorized, to declare by Writing under his Hand and Seal that the Right of nominating a Minister to such Church or Chapel, when so built or purchased and endowed as aforesaid, and when the Conditions herein-before mentioned shall have been performed, shall for ever thereafter be in the Person or Persons so building or purchasing and endowing the same, his, her, or their Heirs and Assigns, or in such Trustee or Trustees, being Members of the United Church of *England* and *Ireland*, as he, she, or they shall appoint, and in such future Trustee or Trustees, being Members of the United Church of *England* and *Ireland*, as shall from Time to Time be nominated by Writing under the Hand or Hands of the Trustees or Trustee for the Time being of the said Church or Chapel, or the major Part of them, or chosen in such Manner as may in the first instance be agreed upon by the Persons building and endowing such Church or Chapel, or the major Part of them, and the Bishop of the Diocese, in Writing under their Hands and Seals, in the Place and Stead of any One or more who shall from Time to Time die, resign, or become incapable of acting, or in such Ecclesiastical Person or Body Corporate, and his or their Successors, as the Persons so applying shall at the Time of Application to the Bishop nominate and appoint: Provided always, that if it should happen that all the Trustees of the said Church or Chapel for the Time being should die without having appointed any other Trustee or Trustees as their Successors, then and in such Case it shall be lawful for the Incumbent for the Time being of the said Church or Chapel, with Consent of the Bishop of the Diocese, to appoint a requisite Number of Trustees to supply the Vacancies; and provided also, that the Patronage of any such Church or Chapel shall not at any Time be vested in or held in Trust by more that Five Persons, except in Cases where such Patronage shall pass by Descent to Coparceners, or by the Custom of Gavelkind

mentioned, the Bishop may declare the Right of nominating to be in such Person or his Trustees.

In case of Failure of Appointment of Trustees.

Limiting the Patronage in Trust.

Gavelkind to more than Five, or shall be conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor: Provided also, that no Church or Chapel built for the Accommodation of Three hundred Persons resident upwards of Two Miles from the existing Parochial Church or Chapel shall be placed nearer than Two Miles from such existing Church or Chapel.

New Church not to be within Two Miles of existing Church.

Previous to Nomination, a Certificate of the Facts to be produced to the Bishop.

III. Provided also, and be it further enacted, That previous to any Bishop making such Declaration of the Right of Nomination as aforesaid there shall be produced to him a Certificate, signed by an Architect or Surveyor, and attested by Two or more respectable Householders in the Parish, to the Effect that the existing Churches or Chapels do not afford, by actual Admeasurement, Accommodation for more than One Third of the Inhabitants; or a Certificate, signed by Three or more respectable Householders in the Parish, that there are in such Parish or Extra-parochial Place Three hundred Persons resident upwards of Two Miles from any such existing Church or Chapel and within One Mile of the Site upon which a new Church or Chapel is intended to be built under the Provisions of this Act.

Pews may be let.

IV. And be it further enacted, That the Pews or Sittings in such Church or Chapel shall be let by the Churchwardens or Chapelwardens, or by some Person appointed by the Trustees, or Person or Persons building and endowing the same, to act in that Behalf, according to a Scale of Pew Rents fixed by the Trustees or such Person or Persons as aforesaid, and approved of by the Bishop, which Scale it shall be lawful for the Trustees or such Person or Persons as aforesaid, with Consent of the Bishop, to alter from Time to Time as Occasion may require: Provided always, that all such Pews as shall not be taken at the Rent respectively fixed thereon, within Fourteen Days after the Commencement of the ensuing Year, shall in every such Case be let to any Inhabitant of any adjoining Parishes or Places in which there shall not be sufficient Accommodation in the Churches and Chapels of the Parish or Place for the Inhabitants thereof, at the Rent respectively so affixed upon such Pews, for any Term not exceeding the End of the Year, and at the Expiration of the Year, and also of every succeeding Year in which any such Pews shall be rented by Inhabitants of any adjoining Parishes, such Pews shall be inserted in the List of vacant Pews, to be taken in preference by the Inhabitants of the Parish or Place to which the Church or Chapel shall belong; and all such Pews as may not be so taken by any Inhabitants of the Parish or Place may again be let, and so on from Year to Year, to any Inhabitants of any adjoining Parish or Place.

In all other Cases where a Church or Chapel has been built and endowed to the Satisfaction of

V. And be it further enacted, That in all other Cases not herein-before provided for, in which any Person or Persons shall have already endowed, with the Sanction of the said Commissioners, or shall endow or declare their Intention of endowing, to the Satisfaction of the said Commissioners, any Church or Chapel built or intended to be built by such Person

or Persons, with some permanent Provision in Land, or in Money charged upon Land, or Money in the Funds, exclusively of and in addition to the Pew Rents or Profits arising from the said Church or Chapel, in case any such Rents should be taken, and also of providing a sufficient Fund for the Repairs of the said Church or Chapel, it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, if under all the Circumstances it shall appear to them fit and proper so to do, to declare, that after certain Conditions herein-after mentioned are performed or shall have been already satisfied, the Right of nominating a Minister to such Church or Chapel shall for ever thereafter be in the Person or Persons building and endowing or having built and endowed the same, his, her, or their Heirs and Assigns, or in such Person or Persons, Ecclesiastical Person or Body Corporate, and his or their Successors, as he, she, or they shall appoint; and in case such Church or Chapel shall have been or shall be built by Subscription, then in such Person or Persons, their Heirs or Assigns, or in such Ecclesiastical Person or Body Corporate, and his and their Successors, as the major Part in Value of such Subscribers shall, at the Time of the Application to the Commissioners, nominate or appoint: Provided always, that the Patronage of any such Church or Chapel shall at no Time be vested in or held in Trust for more than Five Persons, except in Cases where the said Commissioners shall have already sanctioned a larger Number of Trustees, or such Patronage shall pass by Descent to Coparceners, or by the Custom of Gavelkind to more than Five, or shall be conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

the Commissioners, they may, with the Consent of the Bishop, declare the Right of nominating to be in the Person so building and endowing.

Limitation as to the Number of Persons in whom the Patronage shall vest.

VI. Provided always, and be it further enacted, That previous to such Declaration of the Right of Nomination as aforesaid being made by the said Commissioners, Application in Writing shall be made to the said Commissioners, setting forth the Population of the Parish in which such Church or Chapel is built or proposed to be built, together with the Accommodation provided in the several Churches or Chapels built or building or intended to be built within such Parish, together with the Population of the District for which such Church or Chapel is intended to provide, and the Accommodation proposed to be provided in such Church or Chapel, and its Distance from the existing Churches or Chapels in the Parish; and that Copies of such Application shall, in every such Case, be sent by the said Commissioners to the Patron and Incumbent respectively of the Parish, Chapelry, Township, or Extra-parochial Place in which such Church or Chapel is built or intended to be built, in order to afford such Patron and Incumbent the Opportunity of laying before the said Commissioners any Statement relating thereto; and the said Commissioners shall not declare, or signify their Intention of declaring, such Right of Nomination as aforesaid, until after the Expiration of Three Calendar Months from the Time when they shall have sent such Copies to such Patron and Incumbent respectively, except in those Cases where the said Commissioners shall before the passing of this Act have already expressed their Satisfaction with the Endowments proposed, and their Willingness to accede to the Conditions proposed, and such

Application required to be made to Commissioners previous to their declaring the Right of Nomination

Copies of such Application to be sent to the Patron and Incumbent of the Parish.

Church or Chapel shall have been built or be now building in pursuance thereof.

Persons intending to build and endow to give Notice to the Patron and Incumbent, stating Particulars.

VII. And be it further enacted, That in all Cases whatsoever under this Act, any Person or Persons intending to build or purchase and endow any such Church, Chapel, or Building as aforesaid, in any such Parish as aforesaid, shall, in the first place, cause to be served upon the Patron or Patrons and Incumbent of such Parish a Notice in Writing of such Intention, which Notice shall specify the various Particulars herein-before mentioned, and shall also state the Number of Persons intended to be accommodated in such Church or Chapel, and the Amount of Money intended to be laid out in the building or purchasing thereof; and in case such Patron or Patrons shall, within Two Calendar Months after being served with such Notice as aforesaid, bind him, her, or themselves, by Bond or other sufficient Security, to the said Commissioners in such Cases as shall come before them, and to the Bishop of the Diocese in all other Cases, that he, she, or they shall within Two Years thereafter build or purchase, and completely finish and endow, an additional Church or Chapel in such Parish, to the Satisfaction of the Bishop of the Diocese, and that he, she, or they shall also comply with and perform all and singular the Conditions herein-before mentioned, then and in such Case such Patron or Patrons shall be preferred to any other Person or Persons so intending to build or purchase such additional Church or Chapel as aforesaid: Provided always, that no Declaration of the Right of nominating a Minister to any Church or Chapel built and endowed under the Provisions of this Act shall in any Case take effect until such Church or Chapel shall have been duly consecrated: Provided always, that in case any such Church or Chapel has been or shall hereafter be built or endowed by Subscription, the Application to the Bishop or Commissioners of the major Part in Value of the Subscribers shall be deemed and taken to be the Application of the Party building or endowing the same: Provided always, that the Churches or Chapels already built and completed on the Faith of the said recited Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth be excepted as to the Two Months Notice, such Notice having already been given to His Majesty's said Board of Commissioners and Incumbents when such Churches or Chapels were built.

If the Patron within Two Months after such Notice shall bind himself to build and endow to the Satisfaction of the Bishop of the Diocese, he shall be preferred.

Preference to be given to Enlargement of Churches in certain Cases.

VIII. And be it further enacted, That where there is a Population of not less than One thousand Persons in any Parish, District Parish, District Chapelry, or Extra-parochial Place within Two Miles from an existing Church, if there be any Person or Persons who shall be desirous of enlarging the Church Accommodation therein, and who shall, with the Consent of the Select Vestry or Persons exercising the Powers of Vestry in such Parish, signify such their Intention to the Bishop of the Diocese, or to the said Commissioners, as the Case may be, and shall also bind themselves in a Bond or other sufficient Security to the said Bishop, or to the said Commissioners, as the Case may be, that they will within Two Years from the Date of declaring such their Intention as aforesaid enlarge the existing Church so as to add One Fourth to its then existing

Church Accommodation, so that more than One Third of the Parishioners shall be accommodated, then and in all such Cases such Persons, having complied with such Conditions as aforesaid, shall be preferred to any Person or Persons proposing to build and endow any new Chapel in such Parish or Extra-parochial Place under the Provisions of this Act: Provided always, that Plans for the Enlargement of such existing Church shall in all Cases be prepared, and, before the Commencement of such Enlargement, shall be laid before the Bishop of the Diocese, or the said Commissioners, as the Case may be, for his or their Approbation thereof; and that a Certificate from an Architect employed therein, as to the due Execution of such Plans, shall in every Case be sent to the said Bishop, or to the said Commissioners, as the Case may be, on the Completion of the Enlargement of such Church.

As soon as Churches or Chapels are finished and consecrated, the Right of Nomination to be vested in the Persons building and endowing.

IX. And be it further enacted, That as soon as conveniently may be after any such Church or Chapel as aforesaid shall have been so built or purchased and endowed as aforesaid, and completely furnished and fitted up for the Performance of Divine Service, and the other Conditions herein-before mentioned shall have been performed, and the said Church or Chapel shall have been consecrated, the Right of nominating a Minister to the same, and also the Land, Ground, and Site whereon the same shall be built, with the Cemetery thereto belonging, if any, which Land, Ground, and Site shall be specified and described in the Sentence of Consecration of the Church or Chapel, shall be and are hereby declared to be for ever vested in the Person or Persons building or purchasing and endowing the said Church or Chapel, his, her, or their Heirs and Assigns, or in such Trustee or Trustees, or Ecclesiastical Person or Body Corporate, as are herein-before mentioned, by such Name and Style as shall be specified in the Sentence of Consecration of the Church or Chapel; and such Right of Nomination shall and may be exercised without requiring the Consent of the Patron or Incumbent of the Parish or District in which such Chapel shall be built, and notwithstanding no Compensation shall have been made to them or either of them, without Prejudice however to the Fees herein-after mentioned; and such Right of Nomination, when vested in more than Two Persons, shall in all Cases be exercised by the Majority; and the Person or Persons in whom the said Right of Nomination, and the said Land, Ground, and Site, shall be so vested, shall in every such Case have perpetual Succession in the Name and Style specified in the Sentence of Consecration, and shall hold the said Right of Nomination, and also the said Lands, Grounds, and Sites so vested in them, as Bodies Corporate, by such Name and Style, without incurring or being subjected to any of the Penalties or Forfeitures of the Statute of Mortmain, or of any other Law or Statute whatsoever, to the Use, Intent, and Purpose that every such Church or Chapel, with the Cemetery to the same, if any, shall, when consecrated, be for ever thereafter set apart and dedicated to the Service of Almighty God, as a Place of Divine Worship according to the Liturgy and Usages of the United Church of *England* and *Ireland* as by Law established.

X. And

Commissioners or Bishop may assign a District to every Church, and determine the Offices to be performed therein.

X. And be it further enacted, That the said Commissioners, with Consent of the Bishop of the Diocese, in all such Cases as shall come before them, and the Bishop of the Diocese alone in all such other Cases as are herein-before mentioned, and also with the Consent of the Patron and Incumbent in all other Cases in which additional Churches or Chapels shall have been already built and endowed, shall, with all convenient Speed, proceed to assign a particular District to every such Church or Chapel, except where from special Circumstances they shall deem it not advisable to assign a District, and such District shall be under the immediate Care of the Minister who shall have been duly licensed to serve such Church or Chapel, so far only as regards the Visitation of the Sick and other Pastoral Duties, and shall not be deemed a District for any other Purpose whatsoever: Provided always, that it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, in all such Cases as shall come before the said Commissioners, and for the said Bishop alone in all other Cases, to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Church or Chapel, or not; and the said Commissioners or Bishop respectively, as the Case may be, shall cause a Description of the Boundaries of the District assigned by them to such Church or Chapel to be registered in the Registry of the Bishop of the Diocese, and shall also cause their Order and Direction in Writing, as to all Offices to be performed in any such Church or Chapel, to be registered in the Registry of the Diocese.

Boundaries of the District to be registered.

Provision in Cases where Districts extend beyond One Parish.

XI. Provided always, and be it enacted, That in Cases where the District to be provided for any Church or Chapel erected or to be erected shall extend into more Parishes than One, all the Conditions hereby directed to be complied with shall be observed with respect to the Patrons and Incumbents of each Parish any Part of which shall be comprised in such District, and the Patron or Patrons, Incumbent or Incumbents, of each such Parish, shall be entitled to such and the same Notices, and such and the same Rights and Privileges, as if such District were solely situate in One only of such Parishes.

Churches or Chapels to be Perpetual Curacies.

XII. And be it further enacted, That every such Church or Chapel to which such particular District has been assigned as aforesaid shall be deemed a Perpetual Curacy, and shall be considered in Law as a Benefice Presentative, so far only as that the Licence thereto shall operate in the same Manner as Institution to any such Benefice, and shall render voidable other Livings in like Manner as Institution to any such Benefice; and the Spiritual Person serving the same shall be deemed the Incumbent thereof; and such Incumbents shall have perpetual Succession, and shall be and are hereby declared to be Bodies Politic and Corporate, and may receive and take such Endowments in Lands or Tithes, or both, or any such Augmentation, as shall be granted to them or their Successors; and all such Incumbents, and all Persons presenting or appointing any such Incumbents, shall respectively be subject to all Jurisdictions and Laws, Ecclesiastical or Common, and to all Provisions, Regulations, Penalties, and Forfeitures contained in any Acts of Parliament in force relating thereto respectively; and in case of any Failure or Neglect in not presenting or nominating any such Incumbent for the Space

Powers and Duties of Persons serving the same.

of

of Six Months, such Presentation or Appointment shall thereupon lapse, as in Cases of actual Benefices; and all Churches or Chapels built or appropriated under the Provisions of this Act shall be subject to the Jurisdiction of the Bishop of the Diocese and the Archdeacon of the Archdeaconry within which the same shall be locally situated. Jurisdiction.

XIII. And be it further enacted, That no such Church or Chapel to which a particular District has been assigned as aforesaid shall be tenable or holden with the original Church of the Parish, Chapelry, or Place in which such Church or Chapel has been built, or with any other Benefice having Cure of Souls: Provided always, that no Person holding any Benefice shall be exempt from Residence upon such Benefice in respect of any Duty which he may perform in any such Church or Chapel to which no District shall have been assigned as aforesaid. District Churches not to be held with the original.

XIV. And be it further enacted, That where the said Commissioners or Bishop of the Diocese respectively, as the Case may be, shall have determined that Baptisms, Churchings, or Burials shall be solemnized or performed in any such Churches or Chapels, all Acts of Parliament, Laws, and Customs relating to the Performance of such Offices of the Church shall apply to such Churches or Chapels as to the Performance of such Offices respectively: Provided always, that all Fees, Dues, Offerings, and other Emoluments, which of Right or Custom belong to the Incumbent or Clerk of any Parish, Chapelry, or Place in which such Church or Chapel shall have been or shall be erected, shall be received by or for and on account of such Incumbent and Clerk respectively, and be paid over to them, any thing in the said recited Acts contained to the contrary notwithstanding, except such Portion of the said Fees, Dues, Offerings, or other Emoluments as the said Commissioners, with the Consents of the Bishop of the Diocese, the Patron, and the said Incumbent respectively, in those Cases which shall come before the said Commissioners, by Order under their Common Seal, or the Bishop of the Diocese alone, with the Consent of the Patron and Incumbent, in all such other Cases as herein-before mentioned, by Order under his Hand and Seal, shall assign to the Minister of such Church or Chapel; and every such Instrument of Assignment shall be registered in the Registry of the Bishop of the Diocese within which such Church or Chapel shall be locally situated. The Laws relating to Baptisms, Burials, &c. to apply to the Churches hereby authorized to perform them. Fees.

XV. Provided always, That where the Patronage of any Living or Benefice of any Parish, Chapelry, or Place as aforesaid shall be in the Crown, and such Living or Benefice shall be above the yearly Value of Twenty Pounds in the King's Books, a Copy of the Application made to the said Commissioners as aforesaid shall in every such Case be sent to the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, instead of being sent to the Patron of such Living or Benefice, as herein-before directed; and that if such Living or Benefice shall not exceed the Value of Twenty Pounds yearly in the King's Books, a Copy of the Application as aforesaid shall in every such Case be To whom Copies of Applications shall be sent, in case the Patronage of any Place shall be in the Crown.

sent to the Lord High Chancellor, Lord Keeper or Commissioners of the Great Seal, for the Time being; and that if such Living or Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster*, then in every such Case a Copy of the Application as aforesaid shall be sent to the Chancellor of the Duchy for the Time being, instead of being sent to the Patron of such Living or Benefice, as herein-before directed; and the sending a Copy of such Application to the said Party or Parties, as the Circumstances may be, shall be as effectual for the Purposes of this Act, in all such Cases, as if the same had been sent to the Patron of such Living or Benefice: Provided also, that in all Cases respecting the Building, Endowment, or Disposition of the Patronage of any Church or Chapel heretofore built or hereafter to be built, where the Patronage of the Living or Benefice in which such Church or Chapel is or shall be situate is in the Crown, it shall and may be lawful for the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being (if such Living or Benefice shall exceed the Value of Twenty Pounds yearly in the King's Books), and for the Lord High Chancellor, Lord Keeper or Commissioner of the Great Seal for the Time being (if such Living or Benefice shall not exceed the Value of Twenty Pounds yearly in the King's Books), to give such Consent by any Instrument under his or their Hand and Seal or Hands and Seals, on behalf of the Crown, and such Consent shall be as binding and effectual to all Intents and Purposes as if given by the Crown itself.

Church-wardens to be appointed.

XVI. And be it further enacted, That Two fit and proper Persons shall be appointed to act as Churchwardens for every Church or Chapel built or appropriated under the Provisions of this Act, at the usual Period of appointing Parish Officers in every Year, and shall be chosen, one by the Incumbent of the Church or Chapel for the Time being, and the other by the Renters of Pews in such Church or Chapel; and the Two Persons, when so elected Churchwardens, shall appear, and be admitted and sworn according to Law, and shall collect and receive the Rents of the Seats and Pews, and pay over the Residue thereof which shall remain after the annual Reservation aforesaid for Repairs, and after paying the Salary of the Clerk, Beadles, Pew-openers, and other Expences incident to the Performance of Divine Service, to the Minister of the said Church or Chapel, to be taken by the said Minister to and for his own Use by way of Stipend, in addition to the yearly Interest or Dividends which shall arise from the landed or funded Endowment herein-before mentioned; and the said Churchwardens shall also do, perform, and execute all lawful Acts, Matters, and Things necessary and requisite for and concerning the Repairs, Management, good Order, and Decency of Behaviour to be kept and observed in the Church or Chapel by the Congregation thereof; and the Persons so to be appointed or chosen Churchwardens shall continue in their said Office until others shall be chosen in like Manner in their Stead; and all the Persons so chosen Churchwardens are hereby authorized and empowered, in case of Nonpayment of the Rents of the Seats and Pews of the Church or Chapel for which they shall be appointed, to enter upon and sell the same, or else to sue for and recover the same by Action or Actions for such Rents,

in the Names of "The Churchwardens of the Church or Chapel of" (describing the same), as the Case shall or may require, without specifying the Christian or Surname of such Churchwardens; and no such Action shall abate by reason of the Death or Removal or going out of Office of any such Churchwarden.

Property conveyed for the Site of any Church under this Act not to be subject to Question after Five Years.

XVII. And be it further enacted, That from and after the Expiration of Five Years after the Transfer or Conveyance of any Messuages, Lands, Grounds, Tenements, or Hereditaments to any Person or Persons, as a Site for any Church or Chapel, or any Church or Chapel Yard or Cemetery, under the Provisions of this Act, the said Messuages, Lands, Grounds, Tenements, or Hereditaments shall become and be and remain absolutely vested in the Person or Persons to whom the same are conveyed, his, her, or their Heirs and Assigns; provided that any Person to whom any Messuages, Lands, Grounds, Tenements, or Hereditaments shall have been conveyed for the Purposes of this Act shall, within Two Months after any Judgment in Ejectment shall have been obtained against him for such Messuages, Lands, Grounds, Tenements, or Hereditaments, tender or pay to the Lessor of the Plaintiff in such Ejectment his Costs on such Ejectment, and such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Messuages, Lands, Grounds, Tenements, or Hereditaments, at the Time when such Messuages, Lands, Grounds, Tenements, or Hereditaments were conveyed for the Purposes of this Act.

The Jury who shall try any Ejectment, or a Jury under a Writ of Enquiry, shall ascertain the Value of the Premises.

XVIII. And be it further enacted, That the Jury who shall try any Ejectment brought for the Recovery of any Messuages, Lands, Grounds, Tenements, or Hereditaments which have been conveyed for the Purposes of this Act, or if Judgment on Ejectment shall have been obtained by Default, or for not confessing Lease, Entry, and Ouster, a Jury under a Writ of Enquiry (which Writ of Enquiry the Court in which such Action shall be brought is hereby empowered to issue) shall ascertain the Value of such Messuages, Lands, Grounds, Tenements, or Hereditaments at the Time when they were conveyed for the Purposes of this Act; and the Value so found shall be indorsed by the Judge who tried the Ejectment on the Postea, or shall be returned to the Court by the Sheriff or Under Sheriff or other Person before whom any Writ of Enquiry shall be executed under this Act, in the same Manner as other Inquests are returned on Writs of Enquiry.

Nominations to be sealed and registered.

XIX. And be it further enacted, That the Common Seal of the said Commissioners shall be affixed to every Instrument declaring the Right of Nomination to such Church or Chapel, in all such Cases as shall come before the said Commissioners; and that every Instrument shall be registered in the Registry of the Bishop of the Diocese within which such Church or Chapel shall be locally situated.

Declaring the Validity of Deeds

XX. And be it further enacted, That where any Deed or Deeds shall have been sealed before the passing of this Act with the Seal of

sealed before the passing of this Act.

of the said Commissioners, for the Purpose of declaring the Right of nominating a Minister to any Chapel or Chapels endowed to the Satisfaction of the said Commissioners, every such Chapel shall be deemed to have been lawfully built, and every such Deed shall be deemed and the same is hereby declared to be and to have been from the Day of the Date thereof valid for the Purpose of declaring and vesting the Right of nominating the Minister to such Chapel, and for effectuating the other Objects of the said Deed.

Powers of Act 59 G. 3. extended to Persons subscribing towards purchasing Sites for Churches or Chapels.

XXI. And whereas the said Commissioners acting under the Powers of the said recited Act of the Fifty-ninth Year of the Reign of King *George* the Third have executed Deeds or Instruments for the Purpose of discharging Subscribers towards building Churches or Chapels, and also Subscribers towards purchasing Sites on which Churches or Chapels have been built, from the Payment of Pew Rents in such Churches or Chapels: And whereas Doubts have arisen whether the Powers of the said Act extend to Cases of Persons subscribing towards purchasing Sites for Churches or Chapels; be it enacted, That it shall be lawful for the said Commissioners, in any Case in which they shall deem it expedient, to make and execute any Deed or Instrument, or to confirm any Deed or Instrument already made by them, discharging any Person or Persons subscribing towards either of the Purposes aforesaid, either wholly or in part from the Payment of Pew Rents in the said Church or Chapel for the Term or Period and in the Manner in the said Act mentioned; and all such Deeds or Instruments, whether hereafter to be made or already made, and afterwards confirmed in pursuance of the Power hereby given, shall, as from the Date and Execution of such Deed or Instrument, be good and valid to all Intents and Purposes whatsoever; any thing in the said recited Acts or any of them to the contrary notwithstanding.

Churches may be subjected to Provisions of recited Acts as to Pews.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, in all such Cases as shall come before the said Commissioners, to order and direct that such Church or Chapel shall be subject to all the Provisions of the said recited Acts or this Act as to Apportionment of Accommodation in Pews and Free Sittings, and as to Pew Rents.

If any Person is willing to endow a Chapel of Ease, it may be separated from the Parish Church, and made a distinct Parish.

XXIII. And whereas in certain Parishes of large Extent there exist Chapels of Ease at a considerable Distance from the Parish Church, having Chapelries, Townships, or Districts belonging or supposed to belong thereto; be it therefore enacted, That when any Person or Persons shall be willing to endow any such Chapel with such a Provision, secured upon Land, Money in the Funds, Tithes, or other Hereditaments, as shall in the Opinion of the Bishop of the Diocese be sufficient to ensure a competent Stipend to the Minister of such Chapel, it shall be lawful for the Bishop, with the Consent of the Patron and Incumbent of the Parish, by Writing under his Hand and Seal, to declare that such Chapel, when so endowed, shall thenceforth be separate from and independent of the Parish Church, and that the Chapelry, Township, or District belonging or supposed

to

to belong thereto shall be thenceforth a separate and distinct Parish for all Spiritual Purposes.

As to the future Right of Nomination to such Chapel.

XXIV. And be it further enacted, That it shall be lawful for the Patron, with Consent of the Incumbent, to make any Agreement with the Bishop of the Diocese touching the future Right of nominating a Minister to such Chapel, such Agreement in Writing to be signed and sealed by the Bishop, Patron, and Incumbent; and that the Right of nominating a Minister to such Chapel shall for ever thereafter be exercised according to the Terms of such Agreement: Provided always, that if the Incumbent of any Parish wherein such Chapel of Ease is situate shall refuse his Consent to such Separation or Agreement, then the Declaration of Separation, and the Deed of Agreement touching the Right of nominating a Minister to such Chapel, when signed and sealed by the Bishop and Patron, shall be good and valid in Law, and shall take effect immediately after the next Avoidance of the Parish Church, and not before; and every Declaration of Separation, and every Deed of Agreement, made under the Provisions of this Act, shall be registered in the Registry of the Diocese.

Churchwardens to be chosen for such new Parish.

XXV. And be it further enacted, That Two fit and proper Persons shall be chosen yearly at the usual Time of choosing Parish Officers, out of the Inhabitants of such new Parish so constituted, being Members of the Established Church, to act as Churchwardens of the said Parish, one to be chosen by the Minister, and one by the Persons exercising the Powers of Vestry in the said new Parish; and the Persons so chosen shall be duly admitted and sworn, and shall do all Things pertaining to the Office of Churchwardens, as to Ecclesiastical Matters, in the said new Parish, in like Manner as though the same had been of old Time a separate and distinct Parish.

Consent of Patrons.

XXVI. And be it further enacted, That in all Cases wherein the Consent of the Patron is required, under the Provisions of this Act or of any of the Acts herein-before recited, the Consent of Bishops, Deans, and Chapters, or other Ecclesiastical Corporations or Colleges, acting as Patrons of Benefices in right of their Bishoprics, Dignities, or Corporate Capacities, shall be as good and valid, for all the Purposes of the said Acts, as though such Consent had been given by a Patron in Fee Simple.

Act not to affect any Local Act with respect to Churches already built, unless with the Consent of the Patron.

XXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, alter, vary, or affect any Powers, Authorities, Clauses, or Provisions contained in any Act or Acts passed relating to any particular Parish or Place, so far as relates to any Church or Chapel already built, unless with the Consent of the Patron and Incumbent and of the Select Vestry or Persons exercising the Powers of Vestry in such Parish or Place, or contained in any Deed or Deeds of Trust executed under the Sanction of the Bishop of any Diocese, for the Regulation of any Church or Chapel already built.

Act to extend to the Isle of Man, &c.

XXVIII. And be it further enacted, That all the Provisions of this Act shall extend and be construed to extend to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXIX.

An Act to repeal the Laws relating to Apprentices and other young Persons employed in Cotton Factories and in Cotton Mills, and to make further Provisions in lieu thereof.

[15th *October* 1831.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to make further Provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:* And whereas another Act was passed in the Sixtieth Year of His said Majesty, intituled *An Act to amend an Act to make further Provision for the Regulation of Cotton Mills and Factories, and for the Preservation of the Health of young Persons employed therein:* And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make further Provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:* And whereas another Act was passed in the Tenth Year of His late Majesty, intituled *An Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories:* And whereas another Act was passed in the Tenth Year of His late Majesty, intituled *An Act to render valid an Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories:* And whereas it is expedient that the said Acts should be repealed, and that other

59 G. 3. c. 66.

60 G. 3. c. 5.

6 G. 4. c. 63.

10 G. 4. c. 51.

10 G. 4. c. 63.

Regulations and Provisions should be enacted in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *November* One thousand eight hundred and thirty-one the said recited Acts shall be and the same are hereby repealed.

Recited Acts repealed.

II. And whereas it has of late become a Practice in Cotton Mills and Cotton Factories to employ a great Number of young Persons of both Sexes late at Night, and in many Instances all Night; and certain Regulations have become necessary to preserve the Health and Morals of such Persons; be it therefore further enacted, That from and after the First Day of *November* One thousand eight hundred and thirty-one no Person under Twenty-one Years of Age shall be allowed to work in the Night, (that is to say,) between the Hours of Half past Eight of the Clock in the Evening and Half past Five of the Clock in the Morning, in any of the Cotton Manufactories of the United Kingdom, where Steam or Water Power is used to propel or work the Machinery used in such Mills or Factories.

Persons under 21 Years of Age not allowed to work at Night.

III. And be it further enacted, That no Person under the Age of Eighteen Years shall be employed in any such Mill or Factory, in any Description of Work whatsoever, in the twisting, spining, carding, or weaving of Cotton, or in any way preparing or manufacturing that Material, or in cleaning any Machinery or Mill Work, more than Twelve Hours on any One Day, nor more than Nine Hours on a *Saturday*.

Persons under 18 Years not to work more than certain Hours.

IV. And be it further enacted, That there shall be allowed to every such Person, in the Course of every Day, not less than One and a Half Hour for Meals.

Time for Meals.

V. Provided always, and be it further enacted, That if at any Time in any such Mill, Manufactory, or Buildings as are situated upon Streams of Water, Time shall be lost in consequence of the Want of a due Supply or of an Excess of Water, or by reason of its being impounded in higher Reservoirs, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Occupier of any such Mill, Manufactory, or Building to extend the Time of Labour of Sixty-nine Hours *per* Week herein-before allowed, at the Rate of Three Hours *per* Week, until such lost Time shall have been made good, but no longer; such Time to be worked between the Hours of Five of the Clock in the Morning and Nine of the Clock in the Evening: Provided also, that no Time shall be recoverable after it has been lost Six Calendar Months.

Extension of Hours of working in certain Cases.

VI. And be it further enacted, That when any extraordinary Accident shall happen to the Steam Engine, Water-wheel, Weirs, or Watercourses, Main Shafting or Main Gearing of any such Mills, Manufactories, or Buildings, by which Time shall be lost, then and in every such Case such Time may be worked up at the Rate of One Hour a Day for the Ten following Days, but no longer.

Providing for unavoidable Loss of Time in case of Accident;

VII. And

and for the Want or Excess of Water in the Day-time.

VII. And whereas, during Periods of great Drought and of Floods, the Power of Water-wheels on some Streams is so far diminished that the Whole of the Machinery cannot be worked at one and the same Time; be it therefore enacted, That such Parts of the Machinery as may not have been worked during the Day, owing to the Want or Excess of Water, may lawfully be worked in the Night by Persons not under the Age of Sixteen Years: Provided always, that in such Case no Part of the Machinery in any such Mill shall be suffered to be worked by Persons under the Age of Twenty-one Years a longer Time in any One Week than is permitted by the former Provisions of this Act.

No Children to be employed.

VIII. And be it further enacted, That in Cotton Mills or Factories no Child shall be employed in any Description of Work until he or she shall have attained the Age of Nine Years.

Parents and Guardians to be liable to Penalties for false Statements of the Ages of Children.

IX. And be it further enacted, That no Owner or Occupier of any Mill or Factory aforesaid shall become liable to any Penalty or Penalties which he or she may incur by employing or overworking any Child or Children under the Ages herein-before mentioned, where such Owner or Occupier have employed such Child or Children in consequence of his or her having received a Certificate of such Child or Children being of the proper Age required by this Act under the Hand of their Parents, Guardians, natural or legal Protectors; and in any Case where the Person or Persons shall certify himself, herself, or themselves to be of the full Age of Twenty-one Years, with Intent that any of the Provisions of this Act may be evaded, then, in the former Case, the said Parents, Guardians, natural or legal Protectors, giving such false Certificate, and in the latter Case the said Person or Persons giving such false Certificate, shall be liable for each Offence to a Penalty not exceeding Five Pounds, to be recovered in the Manner herein provided for the Recovery of other Penalties under this Act.

Justices of Peace being Masters, &c. not to act.

X. And be it further enacted, That no Justice of the Peace, being also a Proprietor or Occupier of any such Mill, Manufactory, or Building where the spining or manufacturing of Cotton is carried on, or the Father, Son, or Brother of any such Proprietor or Occupier, shall act as a Justice of the Peace under this Act.

Factories, &c. to be white-washed annually.

XI. And be it further enacted, That the whole of the Ceilings and interior Walls of every such Mill, Manufactory, or Building where the Process of manufacturing is carried on, shall be washed with Quicklime and Water once every Year, except such Parts as are painted.

Quashing of Informations.

XII. And be it further enacted, That no Information filed, nor any Summons issued, shall be quashed for Informality or Want of Form.

Time for Informations.

XIII. And be it further enacted, That all Informations for Offences against this Act shall be laid within Twenty-one Days subsequently to

to the Offence being committed; and the Summons shall be served within Six Days of the Date of the Information.

In Cases of District Magistrates being disqualified, other Magistrates may hear Cases.

XIV. And be it further enacted, That in all Cities, Boroughs, or Corporate Towns where the Manufacture of Cotton is carried on, and where the Magistrates for the Time being are disqualified by the foregoing Clause from administering this Act, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Magistrates of the County in which the Offence may be committed (and not otherwise disqualified as aforesaid) to administer, and they are hereby authorized and empowered to hear, examine, and determine any Offences committed against the Provisions of this Act in any such Cities, Boroughs, or Corporate Towns; or it shall be lawful for the Complainant to remove the Cases of Information or Complaint from the said Cities, Boroughs, or Corporate Towns to any other Court of Session or Petty Session, not exceeding Twelve Miles from the Place where the Offence shall have been committed; any Law, Charter, Usage, or Custom to the contrary notwithstanding.

In case of Partnerships, One Name sufficient for Summons, &c.

XV. And be it further enacted, That it shall not be deemed necessary in any Information, Summons, or Warrant issued in pursuance of this Act, to set forth the Name or other Designation of each and every the Partners in any such Mill or Factory, but that it shall be lawful to insert in such Information, Summons, or Warrant the Name of the ostensible Occupier, or Title of the Firm by which the Occupier or Occupiers employing the Workpeople of every such Mill or Factory are usually designated and known.

Service of Summons.

XVI. And be it further enacted, That the Service of such Summons or Warrant on any Occupier, principal Manager, Conductor, or Agent of any such Mill or Factory, shall be good and lawful Service.

Register of Time of working Steam Engines, &c. to be kept.

XVII. And be it further enacted, That the Occupier or Occupiers of every such Mill or Factory shall on each and every Day enter or cause to be entered in a Book to be kept for that Purpose, to be called "The Time Book," a true and correct Account of the Time which the Steam Engine or Water-wheel and Machinery of such Mill or Factory shall have been in operation during such Day; and such Book shall be produced for Inspection before any Justice of the Peace acting for the Division where such Mill is situated, whenever any such Justice shall, by Notice in Writing, require the same.

Justices may convict under certain Cases.

XVIII. And be it further enacted, That in case it shall be proved, to the Satisfaction of the Justices before whom any Information under this Act shall be heard, that the Steam Engine or Water Wheel or propelling Machinery of any such Mill or Factory was in operation for the regular Process of Manufacture, on the Day mentioned in such Information, before Five of the Clock in the Morning or after Nine of the Clock in the Evening, then it shall and may be lawful for such Justices to convict the Party complained against, unless it shall be proved by One or more credible Witness or Witnesses, to the

the Satisfaction of such Justices, that the Person or Persons alleged to have been overworked had not been employed in any Manner contrary to the Provisions of this Act on the Day mentioned in such Information.

No Appeal.

XIX. And be it further enacted, That no Appeal shall be allowed against any Conviction under this Act, neither shall such Conviction be removable by Certiorari or Bill of Advocation into any Court whatever.

Justices may proceed by Summons.

XX. And be it further enacted, That it shall be lawful for any Justice of the Peace before whom any Complaint or Information shall be laid under this Act to issue his or their Summons, at the Request of any Party complaining, to any Witness or Witnesses to appear and give Evidence before such Justice at the Time and Place for hearing and determining such Complaint, and which Time and Place shall be specified in such Summons; and if any Person or Persons so summoned to appear as a Witness or Witnesses as aforesaid shall not appear before such Justice at the Time and Place specified in such Summons, or offer some reasonable Excuse for the Default, or appearing according to such Summons shall not submit to be examined as a Witness or Witnesses, and give his or her or their Evidence before such Justice touching the Matter of such Complaint, then and in every such Case it shall be lawful for such Justice, and they are hereby authorized, (Proof on Oath, in the Case of any Person not appearing according to such Summons, having been first made before such Justices of the due Service of such Summons on every such Person by delivering the same to him or her, or by leaving the same, Twenty-four Hours before the Time appointed for such Person to appear before such Justices, at the usual Place of Abode of such Person,) by Warrant under the Hands of such Justices, to commit such Person or Persons so making Default in not appearing, or appearing and refusing to give Evidence, to some Prison within the Jurisdiction of such Justices, there to remain without Bail or Mainprize for any Period not exceeding Three Calendar Months nor less than One Month, or until such Person or Persons shall submit himself or herself or themselves to be examined, and give his, her, or their Evidence, before such Justices aforesaid.

Penalty for offending against this Act.

Application thereof.

Provisoes.

XXI. And be it further enacted, That every Occupier, Manager, or Foreman of every such Mill, Manufactory, or Building, or any Part thereof, who shall act contrary to or offend against any of the Provisions of this Act, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds nor less than Ten Pounds, at the Discretion of the Justices before whom such Offender shall be convicted, One Half whereof shall be given to the Complainant or Prosecutor, together with all Costs of Prosecution and Conviction, and the other Half for the Benefit of the Poor of *England*, *Ireland*, or *Scotland*, in such Parish, Township, or Place where such Offence shall be committed: Provided always, that in certain Cases the Magistrates hearing the said Cases shall be empowered to deduct the Costs before the Division and Award of the Penalty; and provided always, that only One Penalty shall be recoverable

for One Day; and provided further, that it shall not be deemed necessary for the Complainant or Prosecutor to name in any Summons or Information the particular Township in which such Offence shall have been committed, but it shall be lawful to set forth in such Summons or Information the Name of the Parish where such Offence may have been committed.

Two Justices may act.

XXII. And be it further enacted, That all Informations of Offences for which any Penalty is imposed under this Act shall and may be heard before any Two or more Justices of the Peace, not being disqualified as aforesaid, acting in and for the Place where the Offence shall have been committed or Case heard; and all Penalties and Forfeitures by this Act imposed, and all Costs and Charges attending the Prosecution and Conviction of such Offender or Offenders, shall and may be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Two or more Justices of the Peace acting for the County, Stewartry, Riding, Division, or Place where such Offence shall have been committed, rendering the Overplus (if any) to the Party or Parties offending, and which Warrant such Justices are hereby empowered and required to grant upon Conviction of the Offender by Confession or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby empowered to administer); and in case such Distress cannot be found, and such Penalties, Forfeitures, and Costs shall not be forthwith paid, it shall and may be lawful for such Justices, and they are hereby empowered and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the County, Stewartry, Riding, Division, or Place where the Offence shall be committed, for any Time not exceeding Three Calendar Months nor less than One Month, unless the said Penalty, Forfeitures, and Costs shall respectively be sooner paid and satisfied.

Recovery of Penalties.

Public Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XL.

An Act to repeal so much of an Act for the Management of the Customs as allows certain Fees to be taken by Officers of the Customs; and to make further Regulations in respect thereof. [15th *October* 1831.]

Management.

WHEREAS by an Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Management of the Customs*, it is enacted, 6 G. 4. c. 106. that it shall be lawful for the Officers and Clerks in the Long Room of any Custom House to assist Merchants and others, at their Desire, in framing and passing Entries Inwards and Outwards, and to receive such Fee, freely given for the same, as the Commissioners of His Majesty's Treasury shall permit; and that it shall be lawful for the Clerk of the Warrants in the Port of *London* to receive, from any Person at whose Request any Warrant for Goods Inwards may be dispatched before the usual Time, the Fee of One Shilling, and for the Receiver of the Duties on such Warrant to receive from such Person the Fee of Sixpence; and that it shall be lawful for any Cocket Writer in the Port of *London* to receive, from the Person who shall select him to write any Cocket for Goods Outwards, any Fee which shall be agreed on between them, not exceeding Five Shillings, including the Parchment, to be provided at the Expence of the Cocket Writer: And whereas it is expedient to repeal the same; be it therefore enacted by the King's most Excellent Majesty, by and

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Nineteenth Day of *November* One thousand eight hundred and thirty-one, so much of the said recited Act as is herein-before set out shall be and the same is hereby repealed.

So much of recited Act as permits Officers to pass Entries repealed.

Commissioners of Customs may direct the Sums herein mentioned to be paid on passing Entries.

II. And be it further enacted, That from and after the said Nineteenth Day of *November*, it shall be lawful for the Commissioners of His Majesty's Customs to authorize the proper Officers to demand, on passing of every Entry, the Sum of One Shilling; and upon the issuing of any Cocket, if such Cocket be

	£	s.	d.
For *British* Goods, the Sum of - - -	0	1	6
Or, if such Cocket be for Foreign Goods, or for Foreign Wines and Spirits contained in Glass, the Sum of - - - - - -	0	2	6

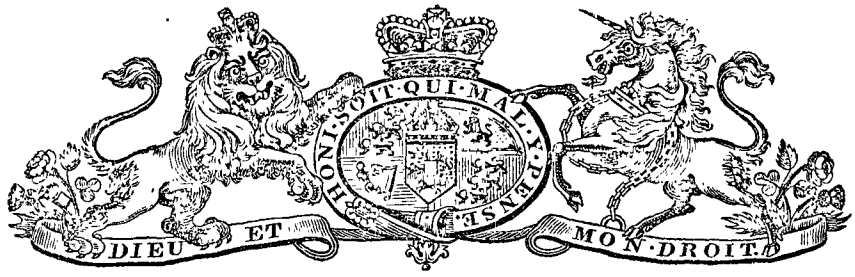
Application thereof.

And that the Officers of His Majesty's Customs shall be authorized to refuse to pass any such Entry, or to grant any such Cocket, until such Charges shall be paid: Provided always, that all such Charges shall be carried and applied towards any Superannuation Fund for the Officers of the Customs, or applied, reduced, or abolished, as the Commissioners of His Majesty's Treasury may from Time to Time, by Warrant under their Hands, or the Hands of any Two or more of them, be pleased to direct.

Act may be altered, &c.

III. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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or Limits, are hereby authorized to nominate and appoint, by Precept in Writing under their Hands, so many as they shall think fit of the Householders or other Persons (not legally exempt from serving the Office of Constable) residing in such Parish, Township, or Place as aforesaid, or in the Neighbourhood thereof, to act as Special Constables, for such Time and in such Manner as to the said Justices respectively shall seem fit and necessary, for the Preservation of the Public Peace, and for the Protection of the Inhabitants, and the Security of the Property in such Parish, Township, or Place; and the Justices of the Peace who shall appoint any Special Constables by virtue of this Act, or any One of them, or any other Justice of the Peace acting for the same Division or Limits, are and is hereby authorized to administer to every Person so appointed the following Oath; that is to say,

Form of Oath to be taken by Special Constables.

'I *A. B.* do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Special Constable for the Parish [*or* Township] of , without Favour or Affection, Malice or Ill-will; and that I will to the best of my Power cause the Peace to be kept and preserved, and prevent all Offences against the Persons and Properties of His Majesty's Subjects; and that while I continue to hold the said Office I will to the best of my Skill and Knowledge discharge all the Duties thereof faithfully according to Law. So help me GOD.'

Notice to be transmitted to Secretary of State and to Lieutenant of County.

Provided always, that whenever it shall be deemed necessary to nominate and appoint such Special Constables as aforesaid, Notice of such Nomination and Appointment, and of the Circumstances which have rendered such Nomination and Appointment expedient, shall be forthwith transmitted by the Justices making such Nomination and Appointment to One of His Majesty's Principal Secretaries of State and to the Lieutenant of the County.

Secretary of State, on Representation of Justices, may order Persons to be sworn in, though exempt by Law;

II. And be it enacted, That in any Case in which any Number of the Householders, or other Persons not legally exempt from serving the Office of Constable, shall have been appointed by the Justices in manner aforesaid to act as Special Constables for any such Parish, Township, or Place as aforesaid, it shall be lawful for any One of His Majesty's Principal Secretaries of State, on the Representation of any Two Justices of the Peace, to order that the Persons exempt by Law from serving as Special Constables in such Parish, Township, or Place, or the Neighbourhood thereof, shall, notwithstanding such Exemption, be appointed and sworn in to act as Special Constables as if they were not by Law exempt; and such Persons shall accordingly be appointed and sworn in manner aforesaid, and shall be liable to act for Two Calendar Months only.

and may direct any Lord Lieutenant to cause Special Constables to be sworn in, and no Exemption allowed.

III. And be it enacted, That it shall be lawful for any One of His Majesty's Principal Secretaries of State to give Direction to the Lieutenant of any County to cause Special Constables to be appointed and sworn in manner aforesaid throughout the Whole of such County or any Portion thereof, whether a Hundred or Hundreds, Parish or Parishes, or any other known Division or Divisions, of whatever Size or Denomination, and to signify, if such Secretary of State

shall see fit, that no Person shall be excused from being so appointed and sworn in by reason of any Exemption: Provided always, that the Persons so appointed and sworn in, whether having Cause of Exemption or not, shall only be called upon to act for Three Calendar Months.

Justices may make Regulations respecting Special Constables, and may remove them for Misconduct.

IV. And be it enacted, That the Justices of the Peace who shall have appointed any Special Constables under this Act, or any Two of them, or the Justices acting for the Division or Limits within which such Special Constables shall have been called out, at a Special Session of such last-mentioned Justices, or the major Part of such last-mentioned Justices at such Special Session, shall have Power to make such Orders and Regulations as may from Time to Time be necessary and expedient for rendering such Special Constables more efficient for the Preservation of the Public Peace, and shall also have Power to remove any such Special Constable from his Office for any Misconduct or Neglect of Duty therein.

Powers of Special Constables.

V. And be it enacted, That every Special Constable appointed under this Act shall, not only within the Parish, Township, or Place for which he shall have been appointed, but also throughout the entire Jurisdiction of the Justices so appointing him, have, exercise, and enjoy all such Powers, Authorities, Advantages, and Immunities, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has within his Constablewick by virtue of the Common Law of this Realm, or of any Statute or Statutes.

Special Constables may act in the adjoining County in certain Cases.

VI. And be it enacted, That where any Special Constables appointed under this Act shall be serving within any County, and Two or more Justices of the Peace of any adjoining County shall make it appear to the Satisfaction of any Two or more Justices of the Peace acting for the Division or Limits wherein such Special Constables are serving, that any extraordinary Circumstances exist which would render it expedient that the said Special Constables should act in such adjoining County, then and in every such Case the said last-mentioned Justices are hereby authorized (if they shall think fit) to order all or any of the said Special Constables to act in such adjoining County in such Manner as to the said last-mentioned Justices shall seem meet; and every such Special Constable, during the Time that he shall so act in such adjoining County, shall have, exercise, and enjoy all such Powers, Authorities, Advantages, and Immunities, and be liable to all such Duties and Responsibilities, as if he were acting within the Parish, Township, or Place for which he was originally appointed.

Penalty for refusing to take the Oath of Office, &c.

VII. And be it enacted, That if any Person, being appointed a Special Constable as aforesaid, shall refuse to take the Oath herein-before mentioned, when thereunto required by the Justices of the Peace so appointing him, or by any Two of them, or by any other Two Justices of the Peace acting for the same Division or Limits, he shall be liable to be convicted thereof forthwith before the said Justices so requiring him, and to forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the said Justices so requiring him shall

shall seem meet; and if any Person, being appointed a Special Constable as aforesaid, shall neglect or refuse to appear at the Time and Place for which he shall be summoned, for the Purpose of taking the said Oath, he shall be liable to be convicted thereof forthwith before the Justices so appointing him, or any Two of them, or before any other Two Justices of the Peace acting for the same Division or Limits, and to forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justices shall seem meet, unless such Person shall prove to the Satisfaction of the said Justices that he was prevented by Sickness or such other unavoidable Accident as shall in the Judgment of the said Justices be a sufficient Excuse.

Penalty for refusing to serve, or for Disobedience of Orders.

VIII. And be it enacted, That if any Person, being appointed a Special Constable as aforesaid, and being called upon to serve, shall neglect or refuse to serve as such Special Constable, or to obey such lawful Orders and Directions as may be given to him for the Performance of the Duties of his Office, every Person so offending shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Neglect or Refusal such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, unless such Person shall prove to the Satisfaction of the said Justices that he was prevented by Sickness or such other unavoidable Accident as shall in the Judgment of the said Justices be a sufficient Excuse.

Power to discontinue the Services of Constables called out;

IX. And be it enacted, That the Justices who shall have appointed any Special Constables under this Act are hereby empowered, or the Justices acting for the Division or Limits within which such Special Constables shall have been called out, at a Special Session to be held for that Purpose, or the major Part of such last-mentioned Justices at such Special Session, are hereby empowered to suspend or determine the Services of any or all of the Special Constables so called out, as to the said Justices respectively shall seem meet; and Notice of such Suspension or Determination of the Services of any or all of the said Special Constables shall be forthwith transmitted by such respective Justices to One of His Majesty's Principal Secretaries of State, and also to the Lieutenant of the County.

notifying the same to the Secretary of State, &c.

Special Constables to deliver Staves, &c. to Successors.

X. And be it enacted, That every such Special Constable shall, within One Week after the Expiration of his Office, or after he shall cease to hold and exercise the same pursuant to this Act, deliver over to his Successor (if any such shall have been appointed), or otherwise to such Person and at such Time and Place as may be directed by any Justice of the Peace acting for the Division or Limits within which such Special Constable may have been called out, every Staff, Weapon, and other Article which shall have been provided for such Special Constable under this Act; and if any such Special Constable shall omit or refuse so to do, he shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Offence such Sum of Money not exceeding Two Pounds as to the convicting Justices shall seem meet.

XI. And

Punishment for assaulting or resisting Constables.

XI. And be it enacted, That if any Person shall assault or resist any Constable appointed by virtue of this Act, whilst in the Execution of his Office, or shall promote or encourage any other Person so to do, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Offence any Sum not exceeding Twenty Pounds, or shall be liable to such other Punishment, upon Conviction on any Indictment or Information for such Offence, as any Persons are by Law liable to for assaulting any Constable in the Execution of the Duties of his Office.

Special Constables not to gain a Settlement, nor be exempt from the Militia.

XII. And be it enacted, That no Person who shall be appointed a Special Constable, or who shall act as such under the Provisions of this Act, shall by reason thereof acquire a legal Settlement in any Parish, Township, or Place, any Law or Statute to the contrary notwithstanding; and that no such Person shall by reason thereof be exempt from the Ballot for or from serving in the Militia.

Justices in Special Session may order Allowances to the Special Constables, such Allowances to be paid out of the County Rate.

XIII. And be it enacted, That the Justices of the Peace acting for the Division or Limits within which any such Special Constables shall have been called out to serve at a Special Session to be held for that Purpose, or the major Part of the Justices at such Special Session, are hereby empowered to order from Time to Time such reasonable Allowances for their Trouble, Loss of Time, and Expences, to be paid to such Special Constables who shall have so served or be then serving, as to the said Justices or such major Part of them shall seem proper; and the said Justices or such major Part of them may also order the Payment of such Expences as may have been incurred in providing Staves or other necessary Articles for such Special Constables; and the said Justices so ordering, if Justices for any County, Riding, or Division having a separate Commission of the Peace, or if Justices for any Liberty, Franchise, City, or Town which shall be contributory to the Public Rate for any County, Riding, or Division, shall make every Order for the Payment of such Allowances and Expences upon the Treasurer of such County, Riding, or Division, who is hereby required to pay the same out of any Public Money which shall then be in his Hands, and the said Treasurer shall be allowed all such Payments in his Accounts; and where the Justices of the Peace assembled at such Special Session are Justices for any Liberty, Franchise, City, or Town which is not contributory to the Public Rate for any County, Riding, or Division, but which raises a Rate or other similar Fund in the Nature of a County Rate, in every such Case the said last-mentioned Justices shall make every Order for the Payment of such Allowances and Expences as aforesaid upon the Treasurer or other Officer having the Collection or Disbursement of such last-mentioned Rate or Fund, who shall forthwith pay every such Order out of such Rate or Fund, and shall be allowed all such Payments in his Accounts.

Mode of Payment in Places not contributing to the County Rate.

Power to adjourn any Special Session, &c.

XIV. And be it enacted, That the Justices of the Peace assembled at any Special Session for any of the Purposes mentioned in this Act shall have Power to adjourn the same from Time to Time, as they shall think proper; and that every Special Session

which shall have been actually holden for any of the Purposes mentioned in this Act shall be deemed and taken to have been legally holden, until the contrary shall be proved.

Time for Proceedings under this Act.

Application of Penalties.

XV. And be it enacted, That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Two Calendar Months after the Commission of the Offence; and that every Penalty and Forfeiture for any Offence against this Act shall be paid to some one of the Overseers of the Poor, or to some other Officer, (as the convicting Justices may direct,) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the Public Rate for the County, Riding, or Division to which such Parish, Township, or Place is contributory; or if such Parish, Township, or Place is situate within any Liberty, Franchise, City, or Town which is not contributory to the Public Rate for any County, Riding, or Division, but which raises a Rate or other similar Fund in the Nature of a County Rate, then every such Penalty or Forfeiture shall be paid over in the Manner aforesaid to the Use of the said last-mentioned Fund or Rate; and no Inhabitant of any County, Riding, Division, Liberty, Franchise, City, or Town shall by reason thereof, or by reason of the Application of any such Penalty or Forfeiture as aforesaid, be deemed an incompetent Witness in proof of any Offence against this Act.

Payment of Penalties, and Mode of levying the same, &c.

XVI. And be it enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as the said Justices shall think fit; and in case such Sum of Money shall not be paid at the Time so appointed, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, together with the reasonable Charges of such Distress; and for Want of sufficient Distress such Offender shall be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any Term not exceeding One Calendar Month where the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months in any other Case; the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due.

Form of Conviction.

XVII. And be it enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or to the like Effect; that is to say,

'BE it remembered, That on the Day of
'to wit. } in the Year of our Lord
'at in the County of [*or* Riding
'*et cetera*], *A.O.* is convicted before us, *J.P.* and *J.J.P.*, Two
'of His Majesty's Justices of the Peace for the said County [*or* Riding,
'*et cetera, or otherwise, as the Case may require*], for that he the said
'*A.O.* did [*here specify the Offence, and the Time and Place when and*

'*where the same was committed, as the Case may be*]; and we do 'adjudge that the said *A. O.* shall for the said Offence forfeit 'the Sum of and shall pay the same 'immediately [*or* shall pay the same on or before the 'Day of] to *C. D.*, being One 'of the Overseers of the Poor of, *et cetera*, to be by him applied 'according to the Directions of the Statute in that Case made 'and provided. Given under our Hands the Day and Year first 'above mentioned.

'*J. P.* and *J. J. P.*'

No Certiorari, &c.

XVIII. And be it enacted, That no Conviction for any Offence against this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same; and that where any Distress shall be made for levying any Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio*, on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage, if any, in an Action upon the Case.

Venue in Actions for any thing done in pursuance of this Act.

Notice of Action.

General Issue, &c.

XIX. And, for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Cause of Action shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court, after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be shall certify his Approbation of the Action and of the Verdict obtained thereupon.

XX. And

Repeal of 1 G. 4. c. 37.

XX. And be it enacted, That an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act to increase the Power of Magistrates in the Appointment of Special Constables,* shall be and the same is hereby repealed as to all Parts of *England* and *Wales.*

Not to extend to Scotland or Ireland.

XXI. And be it enacted, That nothing in this Act contain shall extend to *Scotland* or *Ireland.*

Nothing herein to abridge the Powers of Justices.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to abridge any Powers for preserving the Public Peace, whether by appointing Constables or otherwise, which any Justice or Justices of the Peace had, by Law, or by virtue of any Statute or Statutes, before the passing of the said Act of the First Year of the Reign of King *George* the Fourth.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLII.

An Act to amend an Act of the Fifty-ninth Year of His Majesty King *George* the Third, for the Relief and Employment of the Poor.

[15th *October* 1831.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, certain Power is given to Churchwardens and Overseers of the Poor to provide Land for the Employment of the Poor to an Extent not exceeding Twenty Acres: And whereas such Limitation to Twenty Acres has been found inconvenient in many Parishes: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Churchwardens and Overseers of the Poor of any Parish to hire and take on Lease, for the Employment of the Poor of such Parish, any suitable Portion or Portions of Land within or near to such Parish, to an Extent not exceeding Fifty Acres. 59 G. 3. c. 12.

Churchwardens, &c. may provide Land to a certain Extent for Employment of the Poor.

II. And be it further enacted, That, in order to extend the salutary and benevolent Purposes of this Act, it shall and may be lawful for the Churchwardens and Overseers of the Poor of any Parish to inclose from any Waste or Common Land or Ground lying in or near to such Parish, with the Consent in Writing of the Lord of the Manor and the major Part in Value of the Persons having Right of

Churchwardens, &c. may inclose Part of Waste Lands for Cultivation, with Consent.

of Common thereupon, signified under their Hands and Seals, any Part or Portion of such Waste or Common Land not exceeding Fifty Acres, and to cultivate and improve the same for the Use and Benefit of such Parish and the poor Persons within the same, or to let any Part or Parts of the same to any poor and industrious Inhabitant or Inhabitants of such Parish, to be by him or them occupied and cultivated on his or their own Account.

Power to hire Land, &c. extended to Guardians, &c.

III. And be it further enacted, That the Powers and Authorities hereby given to Churchwardens and Overseers of the Poor shall extend to and may be exercised by the Guardians of the Poor of any Parishes or Places which are or may be incorporated or united under and by virtue of an Act made and passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, or under or by virtue of any Local Act or Acts, and by the Overseers of all Townships, Villages, and Places having separate Overseers, and maintaining their Poor separately.

22 G. 3. c. 83.

Provisions of recited Act extended to Lands hired, &c. under this Act.

IV. And be it further enacted, That the Clauses, Powers, and Authorities, Regulations, Provisions, and Directions, in and by the said recited Act given, contained, and made with respect to the providing of Land for the Employment of the Poor, or to the Cultivation, Management, or Disposition thereof, or to the poor Persons employed thereon or renting any Portion thereof, shall, so far as the same are applicable, be deemed and taken to extend to any Land which shall be provided under this Act, and to the poor Persons employed thereon or renting any Portion thereof respectively.

No Settlement to be gained by Lands hired.

V. Provided always, and be it further enacted, That no poor Inhabitant of any Parish or Place, to whom any Land shall be let which shall or may have been or shall be hired or taken or inclosed under or by virtue of the said recited Act or this Act, shall gain a Settlement by reason of his renting and occupying or paying Parochial Taxes for such Land, either alone or with any other Land or Tenement.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLIII.

An Act for amending and making more effectual the Laws concerning Turnpike Roads in *Scotland*.

[15th *October* 1831.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of* Great Britain *called* Scotland: And whereas Experience has shown that the said Act may be amended in various Particulars: And whereas it is expedient that farther Regulations should be made, and that all the Public General Acts of Parliament concerning Turnpike Roads in *Scotland* should be consolidated in One Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act; as also an Act passed in the Parliament of *Scotland* in the Year of our Lord One thousand six hundred and sixty-one, intituled *Act for planting and inclosing of Grounds;* and an Act passed in the Parliament of *Scotland* in the Year of our Lord One thousand six hundred and sixty-nine, intituled *An Act for repairing Highways and Bridges;* and an Act passed in the Parliament of *Scotland* in the Year of our Lord One thousand six hundred and seventy, intituled *Act concerning Highways;* and an Act passed in the Parliament of *Scotland* in the Year of our Lord One thousand six hundred and eighty-five, intituled *Act in favours of Planters and Inclosers of Grounds;* and an Act passed in the Parliament of *Scotland* in the Year of our Lord One thousand six hundred and eighty-six, intituled *Additional Act anent Highways*

4 G. 4. c. 49.

Acts repealed, as far as they relate to Turnpike Roads;

1661, c. 41.

1669, c. 16.

1670, c. 9.

1685, c. 39.

1686, c. 8.

Highways and Bridges; and an Act passed in the Fifth Year of the
5 G. 1. c. 30. Reign of His Majesty King *George* the First, intituled *An Act for amending and making more effectual the Laws for repairing the Highways, Bridges, and Ferries in that Part of* Great Britain *called* Scotland; and an Act passed in the Eleventh Year of the Reign of
11 G. 3. c. 53. His Majesty King *George* the Third, intituled *An Act for widening the Highways in that Part of* Great Britain *called* Scotland; and an Act passed in the Twelfth Year of the Reign of His Majesty King
12 G. 3. c. 45. *George* the Third, intituled *An Act for the Regulation of Carters, Carriages, and loaded Horses, and for removing Obstructions and Nuisances upon the Streets and Highways within that Part of* Great Britain *called* Scotland; and an Act passed in the Thirty-third Year
33 G. 3. c. 69. of the Reign of His Majesty King *George* the Third, intituled *An Act for repealing the Duties on Coals, Culm, and Cinders brought or carried Coastwise into* Scotland; *and for granting other Duties on Licences to sell certain distilled Spirituous Liquors in lieu thereof;* in so far as they relate to Turnpike Roads and Keepers of Toll Bars, shall be and the same are hereby repealed: Provided always, that the said recited Acts, notwithstanding hereof, shall remain in force as heretofore as to all other Roads not being Turnpike, and as to all other Matters to which they may relate.

Extending this Act to all Local Acts for making and repairing Turnpike Roads in Scotland.

II. And whereas it is of great Importance that One uniform System should be adhered to in the Laws for regulating the Management and Maintenance of Turnpike Roads throughout *Scotland;* be it therefore enacted, That from and after the passing of this Act all the Enactments, Provisions, Matters, and Things in this Act contained, shall extend to all Local Acts of Parliament now in force, and to all Acts of Parliament which shall hereafter be passed, for making, widening, turning, amending, regulating, repairing, or maintaining any Turnpike Road in *Scotland;* save and except as to such Enactments, Provisions, Matters, and Things as shall be expressly varied, altered, or repealed by any such Act that shall be hereafter passed.

Qualification of Trustees.

III. And be it enacted, That the Qualifications of Trustees for carrying into execution the Powers and Provisions of this Act, and of every Local Turnpike Act now in force or which shall hereafter be in force in *Scotland,* shall be such as are or shall be enacted and contained in each such Local Turnpike Act respectively: Provided always, that no Person shall hereafter at any Time act as a Trustee in the Execution of any Act of Parliament for making, repairing, or maintaining any Turnpike Road, unless he shall before so acting, when so required by any Trustee then present, take and subscribe the Oath or Affirmation following before any Two or more of the Trustees appointed or to be appointed by or in pursuance of such Act, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say,)

Trustees to take the following Oath.

Oath.

'I do swear, [*or, being of the People called Quakers,* 'I do solemnly affirm,] That I truly and *bonâ fide* am [*here insert* '*the Qualification required by the Act, as the Case may be*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

IV. And

IV. And be it enacted, That no Person appointed a Trustee by any Act for making, repairing, or maintaining any Turnpike Road shall be capable of acting as such in the Execution of any such Act whilst he holds any Place or Employment of Profit under any such Act or this Act, or who shall be a Tacksman of the Tolls on any Turnpike Road, or of any Part thereof; and if any Person, not being qualified as aforesaid, or being disqualified by any of the said Causes, or not taking and subscribing, when so required, the Oath or Affirmation herein-before mentioned, shall nevertheless presume to act as a Trustee in the Execution of any such Act, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person who shall prosecute for the same, to be recovered, with Expences, by summary Action before the Sheriff of the Shire in which such Road is situated, or in the Court of Session; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of any Act for making, repairing, or maintaining any Turnpike Road; and every thing touching the Execution of any such Act which shall be done or performed by such Person unqualified or disqualified as aforesaid, or not taking and subscribing, when so required, the said Oath or Affirmation, or otherwise unauthorized to act, shall become void and null upon such Person being found liable in the Penalty aforesaid, but the same shall be valid and effectual in all other Cases whatsoever.

Trustees not to act where interested.

Persons acting not being qualified to forfeit 20*l.*

V. And be it enacted, That no Trustee appointed under any Turnpike Act shall be disqualified from acting as a Sheriff or Justice of the Peace in the Execution of any such Act, by reason of his being such Trustee.

Trustees may act as Justices.

VI. And be it enacted, That no Lender of Money upon the Credit of the Tolls, or Assignee of any such Lender, nor any Person receiving Interest out of Tolls for any such Money lent, shall on that Account be disqualified to act as a Trustee, or Sheriff, or Justice of the Peace, in the Execution of any such Act.

Lenders of Money not disqualified.

VII. And be it enacted, That the Trustees of any Turnpike Road, having met under Authority of any Local Act of Parliament, may from Time to Time adjourn, to meet at such Place and at such Time as they shall appoint; and at all their Meetings such Trustees shall pay and defray their own Expences; and all their Orders and Determinations in the Execution of any such Act shall be made, and all Powers and Authorities derived therefrom or hereby vested in them shall be exercised, at Meetings to be held in pursuance thereof or of this Act (except in Cases otherwise particularly provided for), by the major Part of the Trustees who shall be present, the whole Number present not being less than the Quorum fixed by the Act under which such Trustees shall be appointed; and that a Preses shall in the first place be appointed at every Meeting, who in case of an equal Number of Votes (including the Vote of the Preses) shall have the casting Vote; and that no Order or Determination at any Meeting of the said Trustees, once made, agreed upon, or entered into,

Meetings of Trustees.

No Order to be revoked without Notice.

into, shall be revoked or altered at any subsequent Meeting unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting holden for the same Road, and entered in the Book of Proceedings of such Meeting, and shall have been transmitted by Post to every Trustee not present at such previous Meeting who shall have been present at the Meeting where such Order or Determination was made; and such Notice shall also be published by Two several Advertisements in some Newspaper usually circulated in the Shire in which such Road or the principal Part thereof is situated, Ten Days at least previous to such subsequent Meeting, or by affixing the same for Two consecutive *Sundays* on the Church Doors of the Parish or Parishes within which such Road is situated, and on all the Toll Bars then erected upon such Road, Fourteen Days at least before such Meeting.

Two Trustees may call Meetings.

VIII. And be it enacted, That it shall be lawful for any Two Trustees of a Turnpike Road at any Time to call or to require their Clerk to call a Meeting of the Trustees of such Road: Provided always, that Notice of such Meeting and of the Purpose thereof shall be published by Two Advertisements, or by affixing the same as aforesaid.

Trustees may divide Roads into Districts, and name Committees for their Management.

IX. And be it enacted, That the Trustees acting under any Turnpike Act shall have Power at any General Meeting to divide the Roads comprised in such Act into Districts, to name Committees of their Number for the more immediate Direction and Management of such Roads or particular Parts thereof, and to give such Committees (whereof Three to be a Quorum) such Instructions and such Powers as they shall from Time to Time think fit and expedient; and the Regulations herein above enacted relative to the Meetings, Adjournments, Majorities, Orders, Determinations, Powers, and Authorities of Trustees shall in like Manner apply to and affect all such Committees.

Trustees to appoint Officers.

X. And be it enacted, That it shall be lawful for the Trustees acting under any Turnpike Act to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors, and other Officers, with reasonable Salaries or Allowances for their Trouble.

Treasurer to give Security.

XI. And be it enacted, That the Trustees of every Turnpike Road shall (unless where all the Monies collected on any such Road shall be lodged in an Account to be opened in the Name of the Trustees thereof with the Bank of *Scotland*, the Royal Bank of *Scotland*, or the Bank of the *British* Linen Company of *Scotland*, or any of the Branches of the said Banks,) take sufficient Security from every Treasurer to be appointed by them for the Purposes of any Act of Parliament for making, repairing, or maintaining any Turnpike Road, for the due and faithful Execution of his Office, before such Treasurer shall enter on his Office; and if they shall so think proper, shall also take such Security from any other Officer to be appointed under or by virtue of this or such other Act, and shall limit the Sum beyond which he shall not retain any Money belonging to the Trustees.

XII. And

XII. And be it enacted, That in all Cases where Monies collected on any Turnpike Road shall by Authority of the Trustees of such Road have been lodged in any Bank or Banking Company in *Scotland*, the Clerk of such Trustees shall not be liable in any Penalty, as acting in the joint Capacity of Clerk and Treasurer, imposed by any existing Act, who may receive and pay over to such Bank or Banking Company Monies so collected, or who may thereafter draw out and apply the same to the Purposes of the Trust: Provided always, that such Clerk shall have been specially authorized by the said Trustees so to do.

Clerk not to be liable in any Penalty for acting as Clerk and Treasurer if Monies are lodged in Bank.

XIII. And be it enacted, That no Person acting in or holding any official Situation as Clerk and Treasurer, Revenue Collector, Superintendent, or Surveyor of any Turnpike Road, shall directly or indirectly have or hold any Share or Interest in any Contract to be entered into by the Trustees of such Road, under the Penalty of One hundred Pounds, to be levied and applied as the other Penalties hereby imposed are directed to be levied and applied; and it shall be in the Option of the said Trustees, and competent to them, to render such Contract null and void.

Officers not to be concerned in any Contract.

XIV. And be it enacted, That all Orders and Proceedings of the Trustees of every Turnpike Road, together with the Names of the Trustees present at every Meeting, shall be entered in a Book to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Preses of the Meeting at which such Orders or Proceedings shall be from Time to Time made or had; and that such Book shall be opened at all seasonable Times to the Inspection of any of the Trustees, without Fee or Reward; and such Books, or Extracts thereof, signed by the Clerk, shall bear Faith and be received in Evidence in all Courts of Justice, Committees of Parliament, and elsewhere, in the same Manner as Extracts of Proceedings of Courts of Law in *Scotland*, without any Proof of their being such Books or Extracts.

Orders and Proceedings to be entered in a Book.

XV. And be it enacted, That the Trustees of every Turnpike Road shall direct a Book to be provided and kept by their Clerk or Treasurer for the Time being, in which Book such Clerk or Treasurer shall enter true and regular Accounts of all Sums of Money received and expended on account of the Road for which he shall act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, and which Book shall at all seasonable Times be open to the Inspection of any of the said Trustees, or of any Creditor on the Tolls collected and taken on the Road to which such Book relates, or of any Person who shall have paid any of the Tolls authorized to be taken on such Road; and any such Trustee, Creditor, or other Person may take Copies of the said Book or any Part thereof without paying any thing for the same, but every such Person, not being a Trustee or Creditor, shall pay One Shilling to the Clerk or Treasurer for each such Inspection; and the said Book shall be produced by the said Clerk or Treasurer at all Meetings of the said Trustees; and in case any Clerk or Treasurer shall not permit or shall refuse to permit any such Trustee, Creditor, or other Person to inspect

Books of Account to be kept, and to be open to the Inspection of Trustees, Creditors, and others.

Clerk refusing Inspection, &c. to forfeit 5*l.*

inspect any such Book, or to take such Copies as aforesaid, or in Case such Clerk or Treasurer shall refuse or neglect to produce such Book at any Meeting of the said Trustees, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds to any such Trustee, Creditor, or other Person who shall prosecute for the same, with the Expences of Process or Proceedings.

Trustees may pursue and be pursued in the Name of their Clerk, &c.

XVI. And be it enacted, That the Trustees of every Turnpike Road may pursue and be pursued in all Actions or Processes in the Name of their Clerk or Treasurer for the Time being; and that no Action or Process brought or commenced by or against any Trustees of any Turnpike Road, by virtue of this or any other Act of Parliament, in the Name of their Clerk or Treasurer, shall cease by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time to the said Trustees shall always be deemed to be the Pursuer or Defender (as the Case may be) in every such Action or Process: Provided always, that all Expences of Process or Proceedings so incurred by such Clerk or Treasurer shall be reimbursed and paid out of the Trust Funds of the Turnpike Road for which he shall act.

Officers to account.

XVII. And be it enacted, That all such Officers as shall be appointed by the Trustees of any Turnpike Road shall, as often as required by the Trustees, render and give to them, or to such Person as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed by virtue of this or any Turnpike Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the Trustees, or to such Person as they shall in Writing under their Hands authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said Trustees, so refuse or neglect to render and give up to them, or to such Person as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters, and Things in his Hands, Custody, or Power, belonging or relating to the Road for which he shall act, then it shall be lawful for the Sheriff or Justices of the Peace in Quarter Sessions assembled for the Shire where the Officer so refusing or neglecting shall be or reside, upon Complaint made by or on behalf of the said Trustees, to hear and determine such Complaint in a summary Way, and to cause such Money as shall appear to be due and unpaid to be levied by Poinding and Sale of the Goods and Effects of such Officer, rendering to him the Surplus (if any) of the Money remaining due, after deducting the Expences of such Poinding and Sale; and if sufficient Goods and Effects cannot be found, or if it shall appear to any such Sheriff or Justices assembled as aforesaid that any such Officer shall have wilfully refused to give such Account, or to deliver up all or any Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power,

Proceedings on Officers misconducting themselves.

relating to the Execution of his Office, such Sheriff or Justices shall commit him to the House of Correction or Common Gaol of the Shire where such Offender shall be or reside, there to remain until he shall make and give a true and perfect Account, and verify the same in manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid according to the Direction of the Trustees, or shall have compounded with the said Trustees for such Money, and paid such Composition according to their Direction, which Composition all Trustees are hereby empowered to make and receive, or until he shall deliver up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the Trustees concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Effects as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Accounts to be annually audited.

XVIII. And be it enacted, That the Trustees of every Turnpike Road shall and they are hereby required, either by themselves or some Committee of their Number, annually to examine the Vouchers and audit and settle the Accounts of the respective Clerks and Treasurers appointed by them, and to examine into the State of the Revenues and Debts, distinguishing bonded from floating Debts, of the several Roads for which they shall act as Trustees, and to make up Abstracts of such Accounts, which Abstract shall contain a Statement of the Revenues and Debts of the Trust, and also an Account of all Bonds given by the Trustees, and the Dates thereof; which said Abstracts of Accounts and Statements shall be signed by not less than Three of the Trustees.

Trustees may accept Subscriptions for making any particular Part of the Roads.

XIX. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to accept Subscriptions for such Sum of Money as may be requisite for the making or maintaining any particular Part of the said Roads, and for securing the Repayment thereof, with Interest, to assign the Tolls authorized to be levied on any of the said Roads; and they are hereby required to lay out and apply the Money so lent for that express Purpose accordingly.

Payment of Subscriptions to be enforced.

XX. And be it enacted, That if any Person who has subscribed or shall subscribe towards the making and maintaining the Roads by any Act intended to be made and repaired, shall, after Forty Days Notice given by any Person authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the Sum by him or her subscribed, to the Person so authorized, it shall be lawful for such Person, and he is hereby required, to pursue for and recover the said Subscription Money in any Court competent in *Scotland*.

Power to borrow Money and assign Tolls.

XXI. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to borrow and take up at Interest on the Credit of the Tolls arising on such Road any such Sum of Money as they shall from Time to Time respectively think proper, and to assign the Tolls on such Road or any Part thereof as a Security to any Person who shall advance such Sum of Money.

XXII. And

Form of Assignation.

XXII. And be it enacted, That Assignations of Toll Duties shall be in the Words or to the Effect following; *videlicet,*

'BY virtue of an Act passed in the Year of the Reign of intituled [*here set forth the Title of the Act or Acts*] we, a Quorum of the Trustees for executing the said Act [*or* Acts], in consideration of the Sum of advanced and paid to the Treasurer of the said Trustees, do hereby grant and assign unto *A. B.* and his Executors and Assignees [*here specify the Matter assigned*], to be held from this Day of in the Year of our Lord until the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be paid and discharged.'

Transference by Indorsation.

And the Expences of such Assignations shall be paid out of the Toll Duties, and Copies thereof shall be entered by the Clerk to the Trustees in their Book of Orders and Proceedings; and it shall be lawful for all Persons respectively to whom any Assignation of Tolls shall be made as aforesaid, or shall have been made before the passing of this Act, or who shall be from Time to Time entitled to the Money thereby secured, to transfer, by Indorsation on such Assignation, his, her, or their Right and Interest in and to such Assignation of Tolls, and the Principal Money and Interest thereby secured, to any other Person whomsoever; which Indorsation shall be in the Words or to the Effect following; *videlicet,*

'I *A.B.* do hereby transfer all my Right to the within-written Assignation of thereby secured to and his [*or* my] Heirs and Assignees.'

And such Assignation, with Notice to the Clerk of the said Trustees, and Entry thereof in their Books of Proceedings, shall be equivalent to and have all the Effects of an intimated Assignation, as affording a Preference; and every Indorsee may in like Manner indorse the same, and such Indorsation, with Notice thereof entered as aforesaid, shall have all the Effects of an intimated Assignation, and so toties quoties; and all Persons to whom any such Assignation or Indorsation shall be made as aforesaid shall, in proportion to the Sum of Money thereby secured, be Creditors on the Tolls by such Act granted, in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees at the Time of the Advance of their respective Shares.

Trustees may borrow Money on Annuity.

XXIII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to borrow on Liferent Annuity, and to assign the Toll Duties leviable on the same to the Lender of the Money, to such Sums as they shall from Time to Time think proper; and it shall be lawful for the Grantee of such Annuity to transfer the same by Indorsation as aforesaid, which, with Notice to the Clerk and Entry in the Books of Trustees, shall be equivalent to an intimated Assignation, as affording a Preference; and that such Indorsee shall have also Power to transfer in like Manner such Annuity, and so *toties quoties* during the Life of the Grantee thereof; and that the Person claiming the Payment of the same shall be at all Times bound, if so required, to produce satisfactory Proof of the said Grantee having

having been alive up to the Date of such Claim: Provided always, that it shall not be lawful for the Trustees to give more than Ten *per Centum* on any Sum of Money so to be borrowed by the said Trustees on Annuity, or to grant any such Annuity on any Life under Fifty Years of Age.

Trustees not personally liable.

XXIV. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or Interest thereof, by reason of having signed any Securities in pursuance of any Turnpike Act, but which Securities shall be held and considered as granted upon the sole Credit and Security of the Tolls; nor shall any Trustee or Subscriber be held personally liable upon any Pretext for Payment of any Sum or Performance of any Obligation for Payment or Performance of which he shall not have bound himself personally as an Individual independent of his Office as a Trustee under any Turnpike Act.

Contracts and Agreements under other Acts to be good.

XXV. And be it enacted, That all Contracts, Agreements, Bonds, Assignments, and Securities made or entered into by any Person or Persons to or with the Trustees for executing any Act expired or repealed, according to the Provisions and Directions thereof, shall remain in full Force and shall be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, and Securities duly made or entered into by the Trustees for executing any such Act, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing any Act, continuing or renewing such Act, or constituting a new Trust in lieu thereof for the same Road or Roads, and on all other contracting Parties, and shall be observed and kept according to the Terms and Stipulations and Tenor of the same in all respects as if such Act had not expired or been repealed.

Books of Accounts and Proceedings under former Acts to be Evidence.

XXVI. And be it enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing any Act expired or repealed, or Extracts of the Proceedings signed by the Clerk, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Processes, and Actions whatsoever, in the same Manner as if such Act had not expired or been repealed.

Officers appointed under any former Act to continue under renewed Act.

XXVII. And be it enacted, That the Clerks, Collectors, Surveyors, and other Officers who have been appointed under and employed in the Execution of any Act expired or repealed shall continue to exercise their Offices under any other Act renewing, re-enacting, or continuing such Act, until they shall be displaced and removed by the Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations and Pains and Penalties in all respects as before, in the same Manner as if such Act had not expired or been repealed.

Plans to remain with the Clerk of the Peace,

XXVIII. And whereas Maps or Plans describing Roads intended to be made or altered and improved, and the Lands through which such

and be open to Inspection.

such Roads will lead, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands, are required to be deposited with the Clerks of the Peace of the Counties through which such Roads pass; be it enacted, That all such Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace; and every Person, being an Owner or Occupier of any Lands or Tenements upon the Line of any such Road, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, paying to the Clerk for such Copy or Extract from the same after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Roads may be made notwithstanding Error in the Description of Owner or Occupier.

XXIX. And be it enacted, That it shall and may be lawful to and for the Trustees of all Turnpike Roads to make or alter and improve such Roads into, through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners of Land over, in, or through which the same is set out and described in such Maps or Plans, although the Name or Names of such Person or Persons may happen to be erroneously set forth or omitted in such Books of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the County in which the Question shall arise, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, and that such Owner or Occupier had received due Notice.

Sheriffs, &c. empowered to take Affidavits of Notices.

XXX. And be it enacted, That it shall be lawful for the Sheriffs within their respective Shires to take Affidavits on Oath or Affirmation (which Oath or Affirmation such Sheriffs are hereby authorized to administer) of the Answers that may be given by the Proprietors and Occupiers of Lands, on Application made to them for their Consent to any Bill for making or repairing any Turnpike Road; and every such Affidavit shall be in the Form following, as nearly as the Circumstances of the Case will admit:

Form of Affidavit.

'*A. B.* of maketh Oath and saith, [*or, being One of the People called Quakers,* upon his solemn Affirmation saith,] That he did apply to and did receive from the several Persons whose Names are contained in the Paper hereto annexed, whom he believes to be the Proprietors and Occupiers of the Lands through which the intended Turnpike Road is to be carried, the Answers set forth in the Paper hereunto annexed. (Signed) *A. B.*'

'Sworn [*or* solemnly affirmed] before me, as witness my Hand, the Day of in the Year .'

And no such Affidavit as aforesaid shall be subject or liable to any Stamp Duty now payable by any Act, or which shall hereafter be imposed, unless specially named and made subject thereto by the Act imposing the same; nor shall any Fee be charged by any Sheriff, Sheriff-Clerk, or other Officer, for administering or attesting the above Oaths or Affirmations.

XXXI. And

Proof of Handwriting of Sheriff to be deemed sufficient.

XXXI. And be it enacted, That Proof of the Handwriting of any Sheriff before whom any such Affidavit shall be made as aforesaid shall be sufficient Evidence of the Signature of such Sheriff before any Committee of either House of Parliament, without any Witness being produced who was present at the Time when such Affidavit was made.

Power to erect Toll Bars and Houses; and the Property thereof vested in Trustees.

Restriction on setting up Toll Bars.

XXXII. And be it enacted, That it shall be lawful for any Turnpike Trustees to continue or erect Toll Bars on any Turnpike Road or on the Sides thereof, as also Toll Houses, and to design suitable Gardens for the Tollgatherers, not exceeding One Eighth Part of an Acre; and the Right and Property of such Bars, Houses, and Gardens are hereby vested in the said Trustees: Provided always, that no Toll Bar shall hereafter be erected by Authority of this or of any Turnpike Act, unless the same be ordered by the Trustees at a Meeting of which and of the Purpose whereof Fourteen Days public Notice shall have been given in any Newspaper usually circulated in the Shire in which such Road or the principal Part thereof is situated, and by affixing the same upon all the Toll Bars erected on such Road which shall not be farther distant than Six Miles from the Place where such Toll Bar is proposed to be erected, and also on the Church Door of the Parish within which such Toll Bar is proposed to be erected.

Trustees may reduce Tolls and remove Toll Bars, and afterwards may advance Tolls and replace Toll Bars.

XXXIII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, at a Meeting to be held for that Purpose, (of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Toll Bars upon such Road, and by Advertisement in any Newspaper circulated as aforesaid,) from Time to Time to lessen and reduce the Tolls granted by any Turnpike Act, or to take down and remove any Toll Bar erected by Authority of this or of any Local Turnpike Act, and in like Manner to advance any of the Tolls, so that the several and respective Tolls do not exceed the Tolls allowed to be demanded and taken by such Turnpike Act, and again to erect the Toll Bar that may have been so taken down, and collect Tolls thereat: Provided nevertheless, that where the whole Money borrowed on the Credit of the Tolls shall not have been discharged, no Toll shall be reduced, nor Toll Bar removed, without the Consent in Writing of the Persons entitled to Three Fourths of the Money remaining due upon such respective Tolls, and of such Trustees as shall have become personally liable for the same.

Powers for Trustees to let the Tolls by public Roup.

XXXIV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, at a Meeting appointed for the Purpose, to let by public Roup the Tolls of the several Bars erected as aforesaid; and in case no Bidder shall offer, or in case the said Tolls shall not be let by public Roup, it shall then be lawful for the said Trustees to let the same by private Tender: Provided always, that no such Tolls shall be let for a longer Time than Three Years, and that at all such Lettings the Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or their Treasurer, or any other Person by them respectively authorized, such Person declaring that he is authorized to bid by the said Trustees.

XXXV. And

Trustees to provide Tables of Tolls and Tickets.

XXXV. And be it enacted, That the Trustees of every Turnpike Road shall provide for every Toll Bar a printed or painted Schedule or Table, containing the Name of the Toll Bar, with a List of the Tolls payable at such Bar, and also the Name of every other Bar which shall be cleared by the Payment of Toll at such Bar; and shall provide for every Bar, Payment at which shall clear any other Bar, Tickets denoting the Payment of Toll, and mentioning the Bars so cleared, One of which Tickets shall be delivered to the Person paying the Toll, and which shall also have printed or written thereon the Day of the Month on which the same is delivered; and on the Production of such Ticket at any Bar cleared by the Payment of the Toll at the Bar where such Ticket was delivered, the Person producing the same shall pass through such other Bar without paying any additional Toll.

Exempting Royal Family from Tolls.

XXXVI. And be it enacted, That no Toll shall be demanded or taken at any Bar erected by Authority of this or of any Turnpike Act, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

General Exemptions from Tolls.

XXXVII. And be it enacted, That no Toll shall be demanded or taken at any such Toll Bar as aforesaid from any Person, for any Horse or other Beast of Draught, or for any Waggon, Cart, or other Carriage, employed in or returning empty from carrying or conveying, or going empty to carry or convey, any Materials for making or maintaining any Turnpike or Statute Labour Road, or for building, rebuilding, or repairing any Bridge or Toll House on any Turnpike or Statute Labour Road, and no other Matter or Thing whatsoever, or otherwise employed on account of any such Road and for the Purposes of the same, and for no other Purpose, or going before or returning empty after being so employed; or for any Horse or other Beast of Draught, or Carriage, employed only in carrying or conveying, or going or returning empty before or after having been employed only in carrying or conveying, on the same Day, on the Turnpike Road on which such Gate is placed, any Ploughs, Harrows, or other Implements of Husbandry, or any Hay, Straw, Manure, Dung, Fodder for Cattle or Corn in the Straw produced on any Farm, or Seaweed or Materials for draining collected and used on such Farm, or other Produce of the same, from one Part of any such Farm to another; or for any Horses or other Beasts of Husbandry, or any Sheep or Cattle, going to or returning from their usual Pasture or Watering Place, or going to be or returning from being shoed or farried at their usual Smithy, or going to or returning from Plough or Harrow; or from any Person going to or returning from his, her, or their usual Place of Religious Worship; or from any Clergyman going to or returning from visiting any sick Parishioner, or on other his Parochial Duty within his Parish; or from any Person attending the Funeral of any Person who shall die and be buried within the Parish, or going to or returning from such Funeral, at any Toll Bar within the same Parish; or for any Horse or other Beast of Draught or Burden, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying,

veying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, except in so far as such Horse or other Beast of Draught, or Carriage, are specially made liable to the Payment of Tolls and Duties by virtue of an Act made in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in* Scotland, *and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls;* nor shall any Toll be demanded or taken for the Horse of any Officer or Soldier on March or on Duty; or for any Horse or other Beast, or any Waggon, Cart, or other Carriage, employed only in carrying or conveying, or going or returning empty before or after having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Cart, or other Carriage whatsoever, or for any Horse or other Beast of Draught drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or going or returning empty before or after having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Military Duty; or for any Horse or Carriage used by any Clerk, Treasurer, Superintendent, Surveyor, or other Officer acting under any Turnpike Trustees, when employed exclusively on the Business of the Road on which he is travelling; or for any Horses, Cattle, or Carriages which shall not travel altogether above One hundred Yards on any Road in whole or in part, before or after passing any Bar at which Toll Duty is leviable for using the same: Provided always, that if any Person shall claim or take the Benefit of any Exemption, not being entitled thereto, every such Person shall forfeit and pay a Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

53 G. 3. c. 68.

Penalty on fraudulent Evasion.

XXXVIII. And be it enacted, That nothing under One Hundred Weight shall be reckoned a Loading in any Waggon, Cart, or other such Carriage; and that every such Carriage passing with any thing under such Weight, and returning on the same Day with a Loading, shall be liable in only One Payment.

Nothing under 1 Cwt. to be considered a Loading.

XXXIX. And be it enacted, That all Horses travelling for Hire under the Post-horse Duties Acts, having passed through any Toll Bar drawing any Carriage in respect of which any Toll shall have been paid, shall on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, be permitted to pass Toll-free, although such Horses or Carriage

Post Horses, having passed through any Gate, may return Toll-free before Nine in the Morning of the following Day.

riage shall not have passed through such Turnpike Road on the same Day; provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Horses, having passed through a Gate, and returning drawing a Carriage, the Toll paid on the Horses to be deducted.

XL. And be it enacted, That where any Horse or Horses shall pass through any Toll Bar not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or before Nine of the Clock of the Morning succeeding the Day on which they first passed such Gate, the Toll paid on such Horse or Horses on their originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll shall on the whole be taken than if such Horse or Horses had in the first place passed through such Turnpike Gate drawing the said Carriage.

Stage Coaches, &c. to pay for every Time of passing;

XLI. And be it enacted, That the Tolls made payable by Local Turnpike Acts shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing: Provided always, that no such Coach or Carriage shall be liable on account of any Change of Horses for any Toll Duty not otherwise exigible.

Post Chaises, &c. on every new Hiring.

XLII. And be it enacted, That the Tolls made payable by Local Turnpike Acts shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise, Waggon, or other Carriage, every Time of passing, whenever any new Hiring thereof shall take place.

Tolls upon Carriages affixed to others.

XLIII. And be it enacted, That where any Carriage whatsoever with Four Wheels shall pass through any Toll Bar affixed to any Waggon or Cart, such Carriage shall be liable to the same Toll as if it had passed through drawn by Two Horses; and in case any Carriage whatsoever with Two Wheels only shall pass through any Toll Bar so affixed to any such Waggon or Cart as aforesaid, such Carriage shall be liable to the same Toll as it would have been if passing through and drawn by One Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse, laden or unladen, as the Case may be.

For Recovery of Tolls.

XLIV. And be it enacted, That if any Person subject to the Payment of any Toll by any Local Turnpike Act shall, after Demand thereof made, wilfully neglect or refuse to pay the same, it shall be lawful for the Person authorized to collect such Tolls, at the Time when the same shall be due and payable, or within Twelve Hours thereafter, taking such Assistance as shall be necessary, to seize and detain any Horse, Beast, Cattle, Carriage, or other Thing upon or

in respect of which any such Toll is imposed, or any Carriage in respect of the Horses or other Beasts of Draught drawing the Carriage on which such Toll is imposed, or any of the Goods or Effects of the Person so neglecting or refusing to pay (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast); and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Detention, shall not be paid within the Space of Four Days thereafter, the Person so seizing and detaining may complain to the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered, after hearing the Person complained of, or failing his Appearance after Forty-eight Hours Notice personally or at his Dwelling Place, to determine in a summary Way any Dispute that may arise about the Amount of Tolls due, or the Expences of the Proceedings, and to grant Warrant to sell by public Roup any Horse, Beast, Cattle, Carriage, or Thing so seized and detained, or a sufficient Part thereof; the Surplus of the Money (if any) arising from such Sale, and what shall remain unsold, to be returned to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Sale, and other Expences of Proceedings, shall be deducted.

Penalty on evading Tolls; or taking off Horses to avoid Payment of Toll.

XLV. And be it enacted, That if any Person shall, with any Horse, Cattle, Beast, or Carriage, pass to or from any Turnpike Road over any Land near or adjoining thereto (not being a public Highway), such Person not being the Proprietor or Occupier, or Servant or one of the Family of the Proprietor or Occupier of such Land, with Intent to evade the Payment of any Toll Duty; or if any Proprietor or Occupier of any such Land shall knowingly or willingly permit any Person (except as aforesaid) so to pass over such Land with such Intent; or if any Person, not being a Tollgatherer, shall give, or if any Person shall receive from any other Person not being a Tollgatherer, or shall forge, counterfeit, or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls; or if any Person shall fraudulently or forcibly pass through any Toll Bar or Fence connected therewith, with Intent as aforesaid; or if any Person shall take off or cause to be taken off any Horse or other Beast of Draught from any Coach, Chaise, Waggon, Cart, or other Carriage, at or before the same shall come to any Toll Bar, and after having passed such Toll Bar shall add or put on any Horse or other Beast of Draught to such Coach, Chaise, Waggon, or other Carriage, with Intent to avoid any Toll payable or Penalty imposed by this or any Turnpike Act; every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Power to erect Weighing Machines.

XLVI. And be it enacted, That it shall be lawful for any Turnpike Trustees to erect Weighing Machines on any convenient Part of any Turnpike Road, so as not to interrupt the travelling along the same, and to direct all Waggons, Carts, or other Carriages carrying any Load, and which shall come within One hundred Yards of such Machine, to be weighed thereat, together with the Loading thereof.

Penalty on unloading Goods, &c. or to evade Toll.

XLVII. And be it enacted, That if any Person shall unload or cause to be unladen any Goods, Wares, or Merchandize, from any Horse or

or other Beast of Burden, Waggon, Cart, or other Carriage, at or before the same shall come to any Toll Bar or Weighing Engine erected in pursuance of any Turnpike Act or of this Act, or shall load or lay upon such Horse or other Beast of Burden, Waggon, Cart, or Carriage, after the same shall have passed any such Toll Bar or Weighing Engine, any Goods, Wares, or Merchandize taken or unladen from any Horse or other Beast of Burden, Waggon, Cart, or other Carriage, belonging to or hired or borrowed by any Person, with Intent to avoid the Payment of Tolls payable for a Loading or Overweight, every Person so offending as aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence.

Duty of Toll-keeper as to weighing.

XLVIII. And be it enacted, That the Keeper of every Toll Bar where any Weighing Engine shall be erected, or any other Person appointed by the Trustees of any Turnpike Road to the Care of such Weighing Engine, shall weigh all such Waggons, Carts, or other such Carriages which shall pass loaded through such Bars respectively, and which he shall believe to carry greater Weights than are allowed to pass without paying additional Toll; and if any Tollkeeper or Person so appointed knowingly shall permit any such Waggon, Cart, or other such Carriage to pass through any such Toll Bar with greater Weights than are allowed to be carried, without Payment of additional Toll, on the Road on which such Bar or Weighing Engine shall be placed, and shall not weigh the same, and receive such additional Tolls as aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for Neglect.

Any Trustee or Surveyor may cause Carriages, &c. to be weighed.

XLIX. And be it enacted, That it shall be lawful for any Trustee or Surveyor of any Turnpike Road, if he shall suspect any such Connivance or Neglect as aforesaid, to cause any Waggon, Cart, or other Carriage which shall have passed through any Toll Bar where any Weighing Engine shall be erected, and shall not have passed above One hundred Yards beyond such Toll Bar, to return to such Weighing Engine, and be there weighed, with the Loading which passed through such Toll Bar, in the Presence of such Trustee or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing, which shall be returned to the Person paying the same, if upon weighing such Carriage and the Loading thereof it shall be found above the Weight allowed to be carried on such Carriage without Payment of additional Toll; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for any Peace Officer, or any other Person being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine in order to be weighed as aforesaid.

Penalty on Persons obstructing or refusing to assist in weighing.

L. And be it enacted, That if any Person, having the Charge of any Waggon, Cart, or other such Carriage, shall not, when required thereto by any Collector of Toll Duties, permit the same to be weighed, or assist in weighing the same, or shall evade, hinder, or obstruct

obstruct the weighing of any such Carriage, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Where Turnpike Roads under different Trusts meet, Trustees may fix on a Place for erecting a Weighing Engine.

LI. And be it enacted, That when Two or more Turnpike Roads meet at or near the same Place, it shall be lawful for the Trustees of such Turnpike Roads respectively, at a Meeting to be held for that Purpose, to fix upon some convenient Place to erect a Weighing Engine upon, which will accommodate all such Turnpike Roads, and by Agreement among themselves at such Meeting to proportion the Expences which may attend the making, erecting, maintaining, and keeping in repair such Weighing Engine, and likewise to proportion the Money arising from Forfeitures to be incurred for Overweight at such Weighing Engine amongst all such Turnpike Roads, in such Manner as to them shall appear just and reasonable.

Carriages, &c. with Wheels of a certain Description chargeable with less Toll.

LII. And be it enacted, That it shall be in the Power of any such Trustees, and they are hereby authorized, if they shall think fit, any thing herein-before contained to the contrary notwithstanding, to exempt from Payment of any Part of the Toll Duties, not exceeding One Third thereof, every Waggon, Cart, or other such Carriage as aforesaid with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Five Inches or upwards, and being cylindrical; (that is to say,) of the same Diameter on the Inside next to the Carriage and on the Outside, so that when rolling on a flat Surface the whole Breadth thereof shall bear equally on such flat Surface, and that the opposite Ends of the Axletrees of such Carriages, as far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of one straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of the said Pair of Wheels, and, further, having the Nails sunk level with the Rings on the Wheels; and every Waggon, Cart, or Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Seven Inches and an Half or upwards, and being cylindrical as before mentioned: Provided always, that every Person claiming the Privileges granted to Carriages with Wheels constructed as aforesaid shall permit the same to be examined or measured by the Surveyor of the Trustees, and by any Person employed in the Collection of the said Toll Duties.

Trustees may compound for Tolls.

LIII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, previous to letting the Tolls, to compound and agree, for any Term not exceeding One Year at any One Time, with any Person using such Road, for the passing of their Horses, Cattle, or Carriages through any of the Toll Bars to be erected on such Road or on the Sides thereof, which Composition shall be paid in advance, and in default thereof the Composition or Agreement with the Person making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are directed to be paid and applied: Provided nevertheless,

Tacksman or Tollgatherer not to compound, on Penalty of 20*l.*

that it shall not be lawful for any Tacksman of Tolls or Tollgatherer to compound with any Person for the Payment of any Tolls, or to accept any lower Tolls than those settled by the Trustees of any Turnpike Road to be taken, or pay back or return any Sum of Money to Persons frequenting any Turnpike Road, and paying the Tolls thereon, with the Intent of avoiding the Provisions of this Act or of any Turnpike Act, under a Penalty for each such Offence not exceeding Twenty Pounds.

Trustees may agree with Postmaster General respecting Tolls on Mail Coaches.

LIV. And be it enacted, That it shall be lawful for any such Trustees to enter into any Agreement with His Majesty's Postmaster General as to the Amount of Tolls that shall be paid for any Mail Coach or other Carriage travelling along any Turnpike Road, without any Limitation as to the Amount of the Tolls to be payable, or the Number of Years for which such Agreement shall subsist: Provided always, and it is hereby declared, that no Toll shall be paid or payable under or by virtue of any such Agreement which shall exceed in Amount the Toll that shall or may at any Time hereafter be directly or indirectly paid or received for or in respect of any Stage Coach whatever travelling along any such Turnpike Road, and drawn by the same Number of Horses as the Mail Coach or other Carriage which may be the Subject of such Agreement.

Tollgatherers to put up their Names and Table of Tolls on the Front of the Toll Houses.

LV. And be it enacted, That every Tacksman of Tolls and Tollgatherer appointed by the Trustees of every Turnpike Road shall place on some conspicuous Part of the Fronts of their several Toll Houses or collecting Boxes his or her Christian and Surname, painted in Black on a Board with a White Ground, each of the Letters of such Name to be at least Two Inches in Length and of a Breadth in proportion, and that such Board shall so remain at such Toll House or Box during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every Tacksman and Tollgatherer shall place on the Front of the Toll House, or otherwise erect at the Toll Bar, so as to be distinctly legible from the Road, the Schedule or Table herein-before directed to be provided by the Trustees; and if any Tacksman or Tollgatherer shall not so place or erect such Board or Schedule or Table respectively, and so keep the same there during the Time such Person shall be such Tacksman or Gatherer, or shall demand or take a greater or less Toll than such Tacksman or Gatherer shall be authorized to do, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit any Person to read such Board, Schedule or Table, or shall refuse to tell his or her Christian and Surname to any Person who shall demand the same, on being paid the said Tolls, or shall give a false Name, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Toll Bars freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct any Passenger from passing through any Toll Bar, or shall permit or suffer any Obstruction to the passing through any Toll Bar by the stopping or unnecessarily delaying of any Carts or Carriages, or shall omit to take Double Toll Duty for any Coach, Chaise,

Penalty for Neglect, and for Misbehaviour.

Cart, or other Carriage required to have the Owner's Name, Surname, and Place of Abode painted thereon, and not having the same so painted or placed as herein-after directed, or shall make use of any scurrilous or abusive Language to any Trustee, Surveyor, Traveller, or Passenger, such Tacksman or Tollgatherer shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall not be lawful to collect any Toll Duty at any Bar where such Board, or Schedule or Table, shall not be so placed or erected.

On Death of Tollgatherer, Trustees may nominate another.

If Tollgatherer, &c. refuse to deliver up Possession, the Sheriff or Justices may give Possession.

LVI. And be it enacted, That it shall be lawful for any Two Trustees of any Turnpike Road, upon the Death of any Tollgatherer appointed by the Trustees, to appoint some other fit Person in his Place until the next Meeting of the Trustees of such Road; and that if any Person who shall be discharged from his Office by the Trustees shall refuse to deliver up the Possession of the House, Gardens, and Pertinents which he enjoyed in right of his Appointment to that Office, within Three Days after Notice of his Discharge shall be given to him or left at his House, or if the Wife or Family of any such Person who shall die as aforesaid shall refuse to deliver up the Possession of such House, Garden, and Pertinents within Three Days after such new Appointment shall be made as aforesaid, it shall be lawful for the Sheriff or any Justice of the Peace for the Shire where such Toll House shall be, by Warrant under his Hand, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Daytime, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the Person appointed to collect the Tolls at such Place into the Possession thereof.

Ejecting Tacksmen in arrear.

LVII. And be it enacted, That if any Tollgatherer or Tacksman of the Tolls on any Turnpike Road shall fail to pay the stipulated Rent, or any Instalment thereof, within One Month after such Rent or any Instalment thereof shall have been due and payable, it shall be lawful for any Two Justices of the Peace or the Sheriff of the County in which the Gate at which such Tolls are payable is situated, on the Complaint of the Clerk or Treasurer of such Road, to summon the Tacksman so failing before them or him, and to hear and determine on the said Complaint in a summary Way; with Power to such Justices or Sheriff, on being satisfied that the Rent or Instalment thereof due has not been paid, to grant Warrant for the instant Ejection of such Tacksman, and all Persons acting for him, from the Collection of such Tolls, and from the House, Garden, and Pertinents thereof; and it shall be lawful for the Trustees to let such Tolls of new; reserving always to the Trustees of such Road a Claim against such Tacksman and his Sureties for the unpaid Rents, and for all Loss which may arise by reletting or otherwise collecting such Tolls for the Remainder of the Lease of such Tacksman, and that notwithstanding the Ejection aforesaid.

If Tollgatherers abscond, Penalties to be levied on

LVIII. And be it enacted, That in case any Tollgatherer or Person acting as such shall offend against any of the Provisions of any Turnpike Act or of this Act, whereby any Penalty shall be incurred, and shall abscond or absent himself or herself, so as not to be found, then it

Tacksman of Tolls.

it shall be lawful for the Sheriff or any Justice of the Peace before whom any such Tollgatherer or Person shall be convicted of any such Offence, to order and adjudge that the Penalty incurred as aforesaid shall be paid by the Tacksman of the Tolls under whom such Gatherer or other Person shall act.

Tollgatherer shall not be licensed to sell Spirits, &c. unless on Application of Trustees of the District.

LIX. And be it further enacted, That it shall not be lawful for the Justices of the Peace for any Shire or Stewartry to grant to the Tacksman of the Tolls or Tollgatherer, or other Person situated at any Toll Bar, any Licence to sell any Wine, Ale, Spirituous Liquors, or Provisions, unless an Application shall have been previously made to such Justices by the Trustees of the District of Roads within which such Toll Bar shall be situated, recommending that such Tacksman, Tollgatherer, or other Person who from Time to Time may be situated at such Toll Bar, should be so licensed as aforesaid.

Trustees may enter upon Lands for making Roads.

LX. And be it enacted, That it shall be lawful for such Trustees, and for their Surveyor or Surveyors and Workmen employed by them, from Time to Time to enter upon the Land and Premises through which or whereupon any Road authorized to be made, altered, or repaired by any Act of Parliament is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out such Road, and to cut and make any Drains or Ditches or Arches through or into any Lands adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands, (not being a Garden, Orchard, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to a House, or inclosed Ground planted as an Ornament or Shelter to a House,) as the said Trustees shall think fit, without being subject or liable to any Fine, Penalty, or Punishment for entering and continuing upon any Part of such Lands or Grounds respectively for any of the Purposes of this or of any Local Act of Parliament, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned, such Damages being ascertained and settled, in case of Dispute concerning the same, in the same Manner that the Value of Land to be taken and acquired is herein-after directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used, or any Part of the Fences made in laying out any Part of such Roads, or injure any Drain, Ditch, or Arch, or temporary Way, so made as aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to widen Roads to Twenty Feet without making Compensation;

LXI. And be it enacted, That the Trustees of all Turnpike Roads shall have Power and they are hereby authorized to widen and extend all such Roads so that the same shall be in all Places Twenty Feet in Width of clear passable Road, exclusive of the Bank, Ditch, and Fence on either Side thereof, Twenty Feet being hereby declared to be the least legal Breadth of a Turnpike Road; and no such Trustees shall be liable to pay for any Ground necessary to make any such Road of such legal Breadth, reserving all Claims of Damages to the Proprietor for any Fences which may be altered or removed by widening such Road as aforesaid; and they shall have farther Power and

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are hereby authorized, if they shall see fit, to extend any Turnpike Road to the Width of Forty Feet of clear passable Road, exclusive of the Bank, Ditch, and Fence on either Side thereof, on making full Satisfaction in manner herein-after directed to the Proprietors and Occupiers of any Ground, Buildings, or Fences taken or removed for the Purpose of such widening, over and above the Width of Twenty Feet as aforesaid. and to Forty Feet on making Compensation.

LXII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road, in altering or diverting the Course of any Part of such Road, to deviate from the Line or Course of such Road to a greater Distance than One hundred Yards in any one Point, or to a greater Length in all at any one Place than Five hundred Yards, or in making a new Road to a greater Distance at any one Point, or to a greater Length at any one Place, than One hundred Yards from the Line described in the Map or Plan deposited with the Clerk of the Peace, or to take or use any Orchard or Garden, or any Policy, Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owner thereof; but with such Consent in Writing it shall be lawful for such Trustees in all Cases to make any such Alterations or Diversions as they shall think proper for the Purpose of rendering any such Road more commodious and useful for the Public: Provided always, that nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to revoke, limit, abridge, alter, or vary any Powers or Authorities contained in any Local Act, as to making, altering, widening, or diverting any Turnpike Road or the Course thereof, or taking or acquiring Lands, Buildings, or Fences for the said Purposes, but the same Powers and Authorities shall and may be used, exercised, and carried into effect by the Trustees appointed by such Acts, fully and effectually; any thing herein contained to the contrary notwithstanding. Trustees not to deviate above certain Distances, nor make use of any Garden, without Consent of Owner.

LXIII. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to obtain and acquire, by Purchase, Lease, or otherwise, and it shall be lawful for all Persons, whether Proprietors or Heirs of Entail in Possession of entailed Estates, Bodies Politic or Corporate, or otherwise, as also all Trustees, Managers, or Directors whatsoever not otherwise so empowered, Guardians, Tutors, and Curators of every Person whatsoever under any legal Disability or Incapacity, to sell, feu, let, and convey all such Lands, Buildings, or other Heritable Subjects as shall by such Trustees be deemed necessary to be obtained or acquired by them for making, widening, diverting, altering, improving, or repairing such Roads, or for Toll Houses and Gardens, or for making convenient Places for turning Carriages at Weighing Engines, or for storing Materials, depositing Mud, Sand, or other Matter removed from any such Road, or for taking Materials from, or otherwise appearing to them proper to be used in any way for the Purpose of the Trust, and to treat, contract, and agree for the Value thereof, or the Compensation for any Loss or Damage occasioned by any Operation of any such Trustees. Lands may be purchased for improving Roads.

LXIV. And be it enacted, That in case such Persons, Proprietors or others as aforesaid, shall refuse or delay to treat, or shall not be satisfied When Persons interested refuse

or delay to treat, the Value may be ascertained by a Jury.

satisfied with the Price offered by the Trustees of any Turnpike Road, it shall be lawful for such Trustees to make Application to the Sheriff of the Shire where such Lands, Buildings, or other Heritable Subjects, or the greatest Part thereof, shall lie, or where such Claim of Damage shall arise, in order to ascertain the Value of the Lands, Buildings, or other Subjects necessary to be obtained or acquired as aforesaid, and the Loss or Damage ensuing from the altering or removing of Fences, or any other Loss or Damage occasioned as aforesaid; and the said Sheriff is hereby empowered and required upon such Application to order Fifteen Days Notice thereof to be given to the Proprietor and Occupier of such Lands, Buildings, or other Subjects, and afterwards to summon a Jury, and to proceed according to the Mode of Jury Trial in Criminal Cases in Sheriff Courts as by Law established, to determine by their Verdict the Damages to be paid by such Trustees; and in estimating the same the said Jury shall have Right and they are hereby empowered and required to take under their Consideration all Circumstances of the Case, and particularly the Advantages arising to the Proprietors and Occupiers by new or altered Roads; and the Sheriff shall have Power to direct such Fences as may thereby become useless to be taken down and removed by the said Trustees, upon paying such Allowance for the same as the said Jury may determine; and it shall be optional to the Proprietors and Occupiers, either to accept of the Allowance so awarded, or to retain the Materials of the said Fences to their own private Use; and after a Verdict is pronounced as aforesaid, the said Sheriff is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees of the same, or Consignation in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in manner by this Act directed, such Trustees shall have a Right to take the said Lands, Buildings, or other Subjects; and the said Proceedings and Orders of the said Sheriff shall be final, and not subject to Review by Advocation or Suspension, or by Reduction or otherwise, by any Court whatever; any Law or Usage to the contrary notwithstanding.

Power to Sheriff to summon a Jury to fix the Value of Lands and Buildings.

Sheriff to adjudge Payment of the Sum awarded by the Jury.

Expences of the Proceedings how to be paid.

LXV. And be it enacted, That in case such Jury shall award a greater Compensation than the Trustees shall have offered, but less than the Proprietor or Occupier shall have required, the Expences of the Process and Proceedings shall be borne by such Trustees and the said Proprietor or Occupier equally; but in case the said Jury shall award to such Proprietor or Occupier the Sum so required, or any greater Sum, the whole of the said Expences shall be paid by such Trustees; and on the other Hand, if the said Jury shall award the Sum offered by such Trustees, or a less Sum, the whole of the said Expences shall be paid by the said Proprietor or Occupier: Provided always, that in all Cases where any Person shall by reason of Absence be prevented from treating with the Trustees, the said Expences shall be paid by such Trustees.

Penalty on Juryman refusing to act.

LXVI. And be it enacted, That if any Person summoned as a Juryman by the Authority of any Sheriff, in any Matter arising out of this Act or any Turnpike Act, shall neglect or fail to appear, or shall

without lawful Excuse refuse to act as a Juryman, such Sheriff may fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

How Lands and Buildings may become the Property of the Trustees.

LXVII. And be it enacted, That all Lands, Buildings, and other Heritable Subjects which may be acquired by the Trustees of any Turnpike Act, under the Authority of the same, shall become the Property of the said Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British* Linen Company, or by all Claim of Damage for the same being renounced or abandoned, whereupon such Trustees may take and use the said Lands, Buildings, and other Subjects, and shall hold the same as validly as if the respective Proprietors thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereon.

Proprietors under Entail may burden their Estates.

LXVIII. And be it enacted, That it shall and may be lawful for any Proprietor or Heir of Entail in Possession of any entailed Estate, or the Tutor or Curator of such Proprietor or Heir of Entail, who may be desirous of advancing or lending any Sum or Sums of Money for the Purpose of making or maintaining any Turnpike Road, or building any Bridge on the same, to be made or built subsequent to the passing of this Act, either to bind himself personally as a Trustee of such Turnpike Road, and also to bind the succeeding Heirs of Entail, for the Repayment of any such Sum or Sums to any Person or Persons who may advance the same to the Trustees of such Turnpike Road, or to advance such Sum or Sums, and to render the same a Burden upon the said entailed Estate and the succeeding Heirs of Entail; or, having advanced such Sum or Sums, to borrow the like Sum or Sums, and to bind himself and the said Estate, and the Heirs of Entail succeeding thereto, for the same; and all Bonds and Obligations for Money so to be advanced or borrowed and applied shall be held to bind such Proprietors in Cases where they have personally bound themselves, and also the Heirs of Entail in such Estates, for the Repayment of such Money; and such Bonds and Obligations shall be valid and effectual against the Granters of the same, and also against the Heirs of Entail succeeding to them in such entailed Estates; and such Sums shall be and continue to be a real Burden on such Estates till repaid out of the Tolls and Duties levied on such Turnpike Road: Provided always, that the Share or Proportion of such Sum or Sums of Money to be so advanced or borrowed, affecting such succeeding Heirs of Entail, shall not exceed One Year's free Rent of the entailed Lands of such Proprietor situated in each Parish respectively through which any such Turnpike Road or any Part thereof shall run, or in which any such Bridge or any Part thereof shall be built, and that the Heir of Entail in Possession of such entailed Estates shall be obliged to keep down the Interest of such Sum or Sums of Money so advanced or borrowed: Provided also, that it shall not be lawful to the Creditor or Creditors, in right of any such Debt, to adjudge or otherwise evict the entailed Estate for Payment thereof or any Part thereof; but it shall and may be competent to such Creditor or Creditors to prosecute such Remedy or Remedies against the Rents thereof as are given and allowed by the Law of *Scotland* to Heritable Creditors.

LXIX. And

Proprietors of entailed Estates may renounce Damages.

LXIX. And be it enacted, That it shall be in the Power of Proprietors or Heirs of Entail in Possession of entailed Estates, Bodies Politic and Corporate, all Trustees, Managers, and Directors whatsoever not otherwise so empowered, as also Guardians, Tutors, and Curators of every Person under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or Demand otherwise competent to them for such Lands, Buildings, and Materials on their respective Properties as the Trustees of any Turnpike Road may require for the Purposes of such Road, and that such Renunciation shall be equally binding on the Heirs and Successors of such Persons in such Estates.

Old Roads or Bye Roads which shall have become useless may be stopped.

LXX. And be it enacted, That where any new Turnpike Road shall be made in lieu of an old Road, or where any Bye Road shall be used for the Purpose of evading the Toll Duties imposed by any Local Act, or where any old Road or any Bye Road shall have become useless or of no Importance to the Public, it shall be lawful for the Justices at any stated Meeting, on the Application of the Trustees of such Road, to give Orders for shutting up such old Road or Bye Road, after the Expiration of Six Months from the Date of such Orders or Resolution, if not appealed from as herein-after mentioned: Provided always, that Thirty Days Notice of the Intention to propose a Resolution or Order to that Effect shall be given by Advertisement in any Newspaper usually circulated in the County or Counties, and by Advertisement affixed to the Church Door of any Parish or Parishes in which respectively such Road proposed to be shut up may be situated; and that any Person interested may complain of the Determination of the Trustees in any such Matter within Six Months after the Date of such Order or Resolution, but not afterwards, to the Justices of the Peace assembled in their Quarter Sessions, or to the Sheriff of any County through any Part of which the Road so proposed to be shut up may pass, which Justices or Sheriff are hereby authorized finally to determine all such Complaints; and all such Determinations of the said Trustees not so complained of, and all such Determinations of the Quarter Sessions or the Sheriff, shall be final and conclusive, and shall not be subject to Challenge or Review in any Court or by any Process or Proceeding whatsoever; and no Trustee who shall have been present at the passing of any such Resolution shall act as a Justice of the Peace at the Quarter Sessions on the Hearing of any such Complaint.

Toll Houses and Roads become useless may be sold or exchanged.

LXXI. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to exchange any old Road or Part thereof so shut up, or any Piece of Ground or Building no longer wanted by the Trustees, with the Owner of any immediately adjoining Land, for any other Land or Building they may require for the Purposes of their Trust, as also to sell and dispose of by public Auction any old Road, Toll House, or other Building or Piece of Ground acquired by the said Trustees for the Purposes of the Road, as shall by them be adjudged to have become useless; and all such Exchanges or Sales heretofore made or to be made are hereby declared valid and effectual to all Intents, without any Disposition or Conveyance or Infeftment whatsoever: Provided always, that hereafter, before so selling and disposing of any such old Road, Toll House, Building,

When any Parts of the old Road, &c.

or

or Piece of Ground, the Trustees shall first offer the same to the Person from whose Land the same shall have been taken, or his Heirs or Successors in that Land, and then, on the Non-acceptance of such Offer, to any Person whose Lands shall immediately adjoin thereto; and if such Persons shall refuse (except on Account of the Price thereof) to purchase the same, on Oath being made before One of His Majesty's Justices of the Peace for the Shire where such Ground is situate, by some Person in no way interested therein, stating that such Offer was made by such Trustees, and was refused, such Oath shall be sufficient Proof that such Offer was made and refused; but in case such Person shall agree to purchase such Ground, but shall not agree with respect to the Price, it shall be determined by a Jury in manner herein-before directed as to Lands acquired by the Trustees; and the Money to arise from such Sale shall be applied to the Purposes of such Turnpike Road, but the Purchaser shall not be answerable or accountable for any Misapplication of such Money.

are to be sold, the first Offer to be made to the original or adjoining Owners.

LXXII. And be it enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Buildings, or other Heritable Subjects, purchased, taken, or used by virtue of the Powers of this Act or any Turnpike Act, for the Purposes of any Turnpike Road, or for the Purpose of being added to any Minister's Glebe, as hereinafter directed, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Trust, Incorporation, married Woman, Infant, Lunatic, or other Person or Persons under any legal Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Buildings, or other Heritable Subjects, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Buildings, or other Subjects, or affecting other Lands, Buildings, or Heritable Subjects standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Buildings, or Heritable Subjects, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by

Application of Compensation Money where amounting to 200*l.*

Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Buildings, or Heritable Subjects so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where less than 200*l.* and amounting to 20*l.*

LXXIII. And be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Buildings, or Heritable Subjects so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Subjects so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees of the Turnpike Road or Roads on account for which such Money shall have been agreed or awarded to be paid, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating or approving Parties,) in order that such Principal Money, and the Interest arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where less than 20*l.*

LXXIV. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Subjects so purchased, taken, or used for the Purposes of this Act, in such Manner as such Trustees of any Turnpike Road as aforesaid, or any Two or more of them, shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, Purchase Money to be paid into a Bank, subject to the Order of the Court of Session.

LXXV. And be it enacted, That in case any Person or Persons to whom any Sums of Money shall be awarded for the Purchase of any Lands, Buildings, or other Heritable Subjects to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for such Trustees of any Turnpike Road or Roads as aforesaid, or any Two or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Credit of the Parties interested in the

said Lands, Buildings, or other Heritable Subjects, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right to such Money, the Persons who have been in Possession of the Premises shall be deemed entitled.

LXXVI. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks, for the Purchase of any Lands, Buildings, or other Heritable Subjects as aforesaid, the Person or Persons who shall have been in Possession of such Lands, Buildings, or other Heritable Subjects at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Buildings, or other Subjects according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Buildings, or other Heritable Subjects.

The Court may order reasonable Expences of Purchases to be paid by the Trustees in certain Cases.

LXXVII. And be it enacted, That where, by reason of any Disability or Incapacity of the Person or Corporation entitled to any Lands, Buildings, or other Heritable Subjects to be purchased under the Authority of any Turnpike Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Buildings, or other Heritable Subjects, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Expences of obtaining such Order, to be paid by the said Trustees out of the Purchase Money of the Lands, Buildings, or other Heritable Subjects acquired by them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to carry any Roads

LXXVIII. And be it enacted, That in making or altering the Course of any Turnpike Road, or widening the same, it shall be in the Power of

through Ministers' Glebes, making Addition to Glebe in proportion to Ground taken off.

of the Trustees of such Road to cause the same to be carried through any Minister's Glebe, Fifteen Days previous Notice of their Intention so to do being given to such Minister and to the Clerk of the Presbytery of the Bounds: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto (such Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House,) as shall be a sufficient Compensation for that taken for such Road; which Grounds such Trustees shall have Power to purchase from the contiguous Proprietor or Occupier, who shall in like Manner be empowered and bound to sell such Land, whether the same be under Entail or otherwise; and in case of any Difference with regard to the Amount of such Compensation, or the Price to be paid to such Proprietor, or the Damage due to the Occupier, Application shall be made to the Sheriff of the Shire, who shall summon a Jury, and determine the same, in like Manner as is herein-before directed in regard to Lands to be taken for the Purposes of making, altering, or widening Turnpike Roads; and upon such Determination, and upon Payment being made by such Trustees of such Price to the Proprietor, and Damage due to the Occupier of the Ground, or Consignation thereof in any of the Banks above mentioned, such Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening such Roads, without any Disposition or Conveyance or Infeftment whatsoever; and the Proceedings and Determination of the Sheriff shall be final and conclusive, and shall not be subject to Review, by Advocation, Suspension, or Reduction, or otherwise, by any Process or Court whatever.

Valued Rent not to be altered in respect of Ground taken.

LXXIX. And be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed, for the Purposes of Turnpike Roads, or for making a Compensation for Glebes, the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

Power to get Materials.

LXXX. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road, or any Person authorized by them, to search for, dig, and carry away Materials for making or repairing such Road and the Footpaths thereof, or building, making, or repairing any Toll House, Bridge, or any other Work connected with such Road, from any common Land, open uncultivated Land, or Waste, or to deposit Mud or Rubbish thereon, without paying any Surface Damages, or any thing for such Materials, except for Stone to be used for building, and to carry the same through the Ground of any Person, such Trustees or other Persons authorized by them filling up the Pits or Quarries, levelling the Ground wherefrom such Materials shall be taken, or fencing off such Pits or Quarries so that the same shall not be dangerous to any Person or Cattle, and paying for or tendering the Damage done by going through and over any inclosed or Arable Lands for or with such Materials, Mud, or Rubbish, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for such Trustees and other Persons authorized by them as aforesaid

aforesaid to search for, dig, and carry away any such Materials in or out of the inclosed Land of any Person where the same may be found, and to land or carry the same through or over the Ground of any Person (such Materials not being required for the private Use of the Owner or Occupier of such Land, and such Land or Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House, unless where Materials have been previously in use to be taken by the said Trustees), making or tendering such Satisfaction for Stones to be used for building, and for the Surface Damage done to the Lands from whence such Materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable; and in case such Trustees and the Proprietor or Occupier of such Lands shall differ as to the Amount of such Payments and Damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the Shire wherein the Place from whence such Materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the Application of either Party, with an Inducie of Six Days, to hear and determine all Questions as to the Amount of such Payments and Damages, and the Expences attending the same: Provided always, that before taking such Materials from any inclosed Land from which the same shall not previously have been in use to be taken, Fourteen Days previous Notice in Writing, signed by Two Trustees, shall be given to or left at the usual Residence of the Proprietor and Occupier of the Land or Quarry, from which it is intended to take the same, or his or her known Agent, to appear before the Sheriff or any Two Justices of the Peace acting for the Shire where the said Lands are situate, to show Cause why such Materials shall not be so taken; and in case such Proprietor, Occupier, or Agent shall attend pursuant to such Notice, or shall neglect or refuse to appear (Proof on Oath in such Case being duly made of the Service of such Notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such Materials, or make such Order as they shall think fit.

Satisfaction.

Notice to be given before Materials are taken from inclosed Lands.

LXXXI. And be it enacted, That it shall not be lawful for any Person to take away any Materials which shall have been procured or provided or used for the Repair or Use of any Turnpike Road, or to take any Materials out of any Quarry which shall have been opened by any Turnpike Trustees for the Purpose of getting Materials for any Turnpike Road, so as to interrupt or interfere with the Workings carried on by such Trustees; and every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on taking away Materials provided for repairing Turnpike Roads.

LXXXII. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to make and keep in repair Footpaths on the same; and all such Trustees are hereby required to make and maintain a Footpath on all such Roads within Two Miles of any City, Burgh, or Town, the Population of which, within a Circle described with a Radius of Half a Mile round the Market Cross or Centre of the Market Place thereof, shall amount to Two thousand Souls; and if any such Trustees shall fail to make or maintain such Footpath

Trustees to make Footpaths in certain Cases.

within the Distance aforesaid of any such City, Burgh, or Town, any Five Householders thereof finding Caution to pay the Expences of Process, or any Magistrate thereof, may apply to the Sheriff by Petition and Complaint, who is hereby authorized to ordain such Footpath to be made or repaired, and the Expences thereof to be paid out of the Funds of the Trust.

Power to use adjoining Ground as a temporary Road.

LXXXIII. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Turnpike Road, (not being an Orchard, Garden, Lawn, Policy, planted Walk, or Avenue to any House, or Nursery for Trees,) to be made use of as a public Highway whilst the old Road is repairing or widening, making Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain; and in case such Trustees and such Proprietor or Occupier shall differ as to the Amount of such Damages, it shall be competent to the Sheriff or Justices of the Peace for the Shire where such Damages or any Part thereof shall have been incurred, on the Application of either Party, with an Induciæ of Six Days, to hear and determine all Questions as to the Amount of such Damages, and the Expences attending the same.

Trustees to make Side Drains.

LXXXIV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to make sufficient Side Drains on any such Road, with Power to conduct the Water therefrom into any adjoining Land, Ditch, or Watercourse, (such Land not being the Site of any House or Garden,) in such Manner as shall be least injurious to the Proprietor or Occupier of such Land; the said Side Drains to be maintained at the Expence of the Trustees.

Trustees to makeDitches.

LXXXV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road to make sufficient Ditches along the Side of any such Road, provided that if the Land is inclosed on the Side of such Turnpike Road such Ditch shall be made on the Field Side of the Fence, and also to make proper Ditches and Outlets from the said Side Ditches through any Lands adjoining any such Turnpike Road, (not being the Site of any House or Garden,) in such Manner as shall be least injurious to the Proprietor and Occupier of such Land; and the Occupier of such Land (unless such Land be uninclosed and waste) shall be obliged in all Time thereafter to keep clear such Side Ditches and other Ditches or Outlets, as well as all such Ditches already made along the Sides of any Turnpike Road, when so required by the said Trustees or their Surveyor; and in case the Proprietor or Occupier shall neglect or refuse to cleanse such Side Ditches or other Ditches or Outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such Side Ditches or other Ditches or Outlets, and levy the Expence thereof from the Occupier of such Grounds, in the same Manner as other Penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any Proprietor or Occupier from substituting, to the Satisfaction of the Trustees, any other equally effectual Ditch or Outlet in place of that constructed by the Trustees.

LXXXVI. And be it enacted, That the Trustees of any Turnpike Road, in making, widening, altering, or improving any such Road, shall be and are hereby empowered to raise or lower and widen, as shall seem to them expedient, any Road, Passage, or Highway entering upon such Turnpike Road, in order to render the Junction thereof easy and commodious; and where any other Turnpike Road, Highway, private Road or Passage so entering shall not have been raised, lowered, or widened by the said Trustees, the Trustees of such other Turnpike Road or Highway, or the Proprietor or Occupier of such private Road or Passage, shall build sufficient Conduits or Bridges over the Side Drains and Ditches of any Turnpike Road so joined or entered upon, opposite to any such other Turnpike Road, Highway, private Road or Passage, and thereafter maintain and uphold the same, all to the Satisfaction of the Trustees of any Turnpike Road so joined or entered upon; and in case the Trustees of such other Turnpike Road or Highway, or the Proprietor or Occupier of such private Road or Passage, shall neglect or refuse to maintain the said Conduits or Bridges, it shall be lawful for the Trustees of any Turnpike Road so joined or entered upon to repair the same, and charge such Persons respectively with the Expence thereof; and it shall not be lawful for the Trustees of such other Turnpike Road or Highway, or any such Proprietor or Occupier, to make or keep any Mound, sloping Bank, or Projection into or upon the Sides of any Turnpike Road, or to cut or slope away any Part of the Sides of any Turnpike Road, or keep or use any such Slope; and if the Trustees of such other Turnpike Road or Highway, or any such Proprietor or Occupier, shall neglect or refuse to remove such Mounds, Bank, or Projection, or to make up such cutting or sloping, it shall be lawful for the Trustees of any Turnpike Road so joined or entered upon to remove such Obstruction and repair such Defects at the Expence of such Trustees, Proprietor or Occupier respectively.

Regulations as to Junctions of Roads.

Trustees may remove Mounds, Projections, &c. upon the Sides of any Road.

LXXXVII. And be it enacted, That it shall be lawful for any Trustee or Surveyor of any Turnpike Road, or other Person authorized by the Trustees of any such Road, *brevi manu*, to seize and carry off any Timber, Stone, Dung, Rubbish, or other Matter or Thing whatsoever, laid or left upon any such Road or Footpath, or on any Side Drain or Ditch of such Road, and to sell or otherwise dispose of the same as a Forfeiture, in such Manner as the Trustees shall direct, unless such Matter or Thing shall be previously redeemed by the Owner thereof, by Payment of the Penalty in such Case enacted: Provided always, that the Proprietor or Occupier of any Lands or Houses may lay down any Materials for building or repairing any House or Wall immediately adjoining any Turnpike Road, such Materials occupying One Fourth Part of such Road only, and such Proprietor or Occupier giving Three Days previous Notice in Writing to the Clerk or Surveyor of the Road, and erecting such Fence round such Materials, and fixing and lighting Lamps thereon, in such Manner as the Trustees may require.

Timber, Stones, &c. left on Roads may be seized.

LXXXVIII. And be it enacted, That the Owners or Occupiers of the Lands next adjoining to every Turnpike Road shall prune and trim their Hedges, and cut them down to the Height of Six Feet from the

Owners of adjoining Lands to cut the Hedges

and Branches of Trees prejudicing the Road.

the Surface of the Ground, and also cut, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Policy, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House, unless the same shall hang over the Road or Footpath or any Part thereof in such a Manner as to impede or annoy any Carriage or Person travelling thereon,) in such Manner that the Turnpike Road shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Turnpike Road to the Damage thereof; and that if such Owner or Occupier shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut, prune, or trim such Branches of Trees, Bushes, and Shrubs, in manner aforesaid, it shall and may be lawful for such Surveyor, and he is hereby required, to make Complaint to the Sheriff or Justices of the Peace, who shall grant Warrant to summon the Occupier of such Lands and the Owner thereof, or his Agent or Factor in his Absence, Ten Days after Service, to appear and answer the said Complaint; and if it shall appear to such Sheriff or Justices that such Occupier or Owner has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Sheriff or Justices, upon hearing the Surveyor and Occupier or Owner of such Land, or an Agent authorized to appear for either of them, or in default of their Appearance, upon having due Proof of the Service of such Summons, and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut, pruned, or trimmed, in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he shall have had due Notice thereof, he shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut, pruned, or trimmed; and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges, and to cut, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order; and such Occupier shall be charged with and pay, over and above such Penalties, the Expences of such cutting, pruning, and trimming.

If neglected for Ten Days, Surveyor may complain to the Justices, who may order them to be cut.

Penalty for Neglect after Order of Justices.

Time of cutting or pruning Hedges.

LXXXIX. And be it enacted, That no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*, nor to cut, prune, or lop the Branches of any ornamental Trees (unless the same shall hang over the Road or Footpath or any Part thereof so as to impede or annoy any Carriage or Person travelling thereon), if the Proprietor or Tenant of the Lands shall become bound to pay the additional Expences which their remaining uncut or unlopped may occasion the said Trustees in keeping any such Roads in repair.

XC. And

Penalties on Persons making Encroachments.

XC. And be it enacted, That if any Person shall fill up or obstruct any Ditch at the Side of any Turnpike Road, or any Ditch used for conveying Water from the said Road, or any Side Drain thereof, or Ditch or Drain under the same, or shall encroach by making any Dwelling House or other Building, or any Hedge, Ditch, or other Fence, or in any other Manner whatever, on any Turnpike Road, or shall make any Drain, Gutter, Sink, or Watercourse across, under, or upon, or shall turn or conduct any Drain or Water across, under, or upon, or in any way break up the Surface of any Turnpike Road, without the Consent in Writing of the Trustees of such Road or of their Surveyor, such Person shall forfeit for every such Offence a Penalty not exceeding Five Pounds; and it shall be lawful for the Trustees of any such Road to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up at the Expence of the Person so offending.

No Houses, &c. to be erected on the Sides of any Turnpike Road within the Distance of Twenty-five Feet from the Centre thereof, without Consent of the Trustees.

XCI. And be it enacted, That no Houses, Walls, or other Buildings above Seven Feet high shall be erected without the Consent of the Trustees previously obtained in Writing, and no new Inclosures or Plantations shall be made within the Distance of Twenty-five Feet from the Centre of any Turnpike Road, without Prejudice always to any farther Powers and Authorities vested in any Turnpike Trustees thereanent by any Local Act of Parliament, and no Place out of which the Trustees of any Turnpike Road have been in the Use of taking Materials shall, without the Consent of the Trustees previously obtained in Writing, be in any way shut up or inclosed, under the Penalty of Five Pounds for every such Offence, and the Expence of demolishing such House, Wall, or Building, or of removing such Inclosure or Plantation; and the Sheriff of the County and Justices of the Peace are hereby authorized and empowered, on Application by any One of the Turnpike Trustees or their Clerk, to order such House, Wall, Building, Inclosure, or Plantation to be pulled down or removed at the Expence of the Person erecting or making the same, or of the Occupier or Owner of the Ground; nor shall the inclosing of such Place out of which Materials shall have been taken as aforesaid preclude the Trustees of any Turnpike Road from re-opening and using the same.

Power to water Roads.

XCII. And be it enacted, That it shall be lawful for the Trustees of any Turnpike Road to cause the Whole or any Part thereof to be watered, and for that Purpose to take Water from any Pond, Stream, or Source, with the Consent of the Owner thereof or other Persons interested therein, and to dig and make Ways and Passages and erect Pumps and Engines for such Purpose, and to make such Compensation as may be agreed upon between the said Trustees and such Owners or Persons as aforesaid.

Milestones and Direction Posts to be erected.

XCIII. And be it enacted, That the Trustees of every Turnpike Road shall cause Stones or Posts to be set up on or near the Sides of every Turnpike Road, at the Distance of One Mile from each other, denoting the Distance of such Stone or Post from some Town or Place to or from which such Road shall lead; and also Direction

Posts at the several Highways or Turnpike Roads leading out of or crossing any such Road, with Inscriptions thereon denoting to what Places such Roads respectively lead; and any Person who shall wilfully break, cut down, pull up, or damage any such Post or Stone, or obliterate, deface, spoil, or destroy any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, or any Person letting Horses or Carriages for Hire who shall charge for more than Half a Mile in One Hiring above the Number of Miles marked on such Posts or Stones, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Trustees shall erect Parapets, &c. where necessary.

XCIV. And be it enacted, That the Trustees of every Turnpike Road shall erect sufficient Parapet Walls, Mounds, or Fences, or other adequate Means of Security, along the Sides of all Bridges, Embankments, or other dangerous Parts of the said Roads; and if they shall fail therein it shall be lawful for the Procurator Fiscal or any Commissioner of Supply for the Shire in which the Part of such Road complained of is situated, such Commissioner finding Security to pay Expences of Process if he shall fail in his Action, to prosecute the Trustees of any such Turnpike Road before the Sheriff of the Shire in which such Road is situated, who shall judge and determine therein in a summary Manner, and upon finding the Complaint well founded may compel the said Trustees to remedy the Matter complained of, and allow the Prosecutor the Expences of Process; but if such Prosecution shall be found groundless, the private Prosecutor shall be liable in Expences.

Parishes shall defray Damages to Parapets, &c.

XCV. And be it enacted, That it shall be lawful for the Trustees of every Turnpike Road, where the Parapet of any Bridge, or any Toll House, Toll Bar, Fence, Milestone, Direction Post, or any Erection, Building, Matter, or Thing belonging to the said Trustees, or used for the Purposes of the Trust under their Management, shall be destroyed or injured, and the Persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the Shire in which such Damage shall have been committed, having previously given Notice in Writing of their Intention of making such Complaint on the Church Door of the Parish in which the said Damage shall have been committed, for Two consecutive *Sundays*, and which Complaint the said Sheriff or Justices shall hear in a summary Way, and if they shall sustain the same, they are hereby empowered and required to assess the Amount of such Damage, and the Expences of Process or Proceedings, upon the Proprietors, Occupiers, and such other Persons of the Parish wherein such Damage shall have been committed as aforesaid, as are liable for the Payment of the Conversion Money leviable for Statute Labour in the Shire in which such Parish is situated; which Assessment shall be levied by the said Trustees upon the same Persons, in the same Proportions, with the same Relief to Landlords against Tenants, in the same Manner as the said Conversion Money may be levied.

Penalty on Persons committing Nuisances.

XCVI. And be it enacted, That if any Person shall ride upon any Footpath or Causeway on or by the Side of any Turnpike Road made or set apart for the Use or Accommodation of Foot Passengers, or

shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway; or shall wilfully obstruct or do or cause any Injury or Damage to be done to the same, or to the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, Toll Bar, or any Building, Fence, or Erection made by the Trustees of any Turnpike Road, or repaired or repairable by them; or shall break, injure, remove, or displace any Tools, Trestles, Bars, Stones, Materials, or other Article whatsoever belonging to such Trustees, or used on any such Road under their Authority; or shall haul or draw, or cause to be hauled or drawn, upon any Part of any Turnpike Road, any Timber, Stone, or other Thing otherwise than upon a wheeled Carriage, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon a wheeled Carriage to drag or trail upon such Road; or in ploughing or harrowing any adjacent uninclosed Land shall turn any Horse, Plough, or Harrow in or upon any such Road or the Side Drains or Ditches thereof; or shall, in or upon such Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Carriage, Cart, Horse, or other Beast on the said Road, conveying any Iron Bar or Rod, Tree, Wood, Stone, Basket, or Pannier, or any other Matter or Thing, except Hay and Straw, suffer the same to project by more than Thirty Inches from the Side of such Horse or other Beast, or more than One Foot laterally beyond the Wheels of such Carriage, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Turnpike Road; or if any Person shall carry any Timber or other Article above Twenty-five Feet long on any Cart or Carriage not having more than Two Wheels; or if any Hawker, Higgler, Gipsy, or other Person shall pitch any Tent or encamp upon or by the Sides of any Part of any Turnpike Road; or if any Person occupying or using a Blacksmith's Shop, Foundery, Smelting House, Iron or Brass Work, Boiler-making Work, Glass Work, Soda, Soap, or Chemical Work, shall not, by good and close Shutters, every Evening after it becomes Twilight, or otherwise, bar and prevent the Light from such Shop shining into or upon the said Road, and from being dangerous or detrimental to Travellers; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever within One hundred Feet of the Centre of such Road, or shall discharge any Gun, Pistol, or other Fire Arms, fly Kites, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon such Road or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Cart, or other Carriage whatever upon such Road or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove

the same, or shall not place such Waggon or other Carriage, during the Time of loading or unloading the same, or of taking Refreshments, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon such Road or on the Side or Sides thereof, or the Footpaths or Causeways adjoining; or shall hang or lay any Linen Clothes or other such Article on any Hedge or Fence of any such Road; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road, shall suffer such Pigs or Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of any Turnpike Road, or Toll House erected thereon, or shall extinguish the Light of any such Lamp; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Fifty Shillings, over and above the Damages occasioned thereby.

Regulation of Drivers.

XCVII. And be it enacted, That if the Driver of any Cart, Waggon, or other such Carriage on any Turnpike Road shall ride on the Shafts or in or on any other Part of such Carriage, without having and holding Reins attached to each Side of the Bridle of each Beast of Draught drawing such Cart or Carriage, or shall at any Time leave the same travelling on any such Road without having some Person to guide the Beast or Beasts of Draught drawing the same, or shall allow to go at large any Dog that may be attending him, or his Waggon, Cart, or other such Carriage, or shall not chain or fasten the same to such Waggon, Cart, or Carriage; or if the Driver of any Sort of Carriage shall not keep to the Left or Near Side of such Road on meeting or on being overtaken by any other Carriage or any Rider, or shall wilfully prevent any other Person passing him or his Carriage; such Driver shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damages occasioned thereby.

One Driver may take charge of Two Carts.

XCVIII. And be it enacted, That if One Person act as the Driver of more than Two Carts, Waggons, or other such Carriages on any Turnpike Road, or if the hinder of Two Carts, Waggons, or other such Carriages, when under the Care of only One Person, shall be drawn by more than One Horse, or if the Horse of such hinder Cart, Waggon, or Carriage shall not be attached by a Rein to the Back of the Cart which shall be foremost, and follow in the same Line therewith, the Horse drawing such hinder Cart not being permitted to be further from the foremost than Six Feet, the Owner or Driver of every such Waggon, Cart, or other Carriage shall for each Transgression

gression in any of the Points aforesaid forfeit and pay a Sum not exceeding Forty Shillings.

Children not to drive Carts, &c.

XCIX. And be it enacted, That no Waggon or Cart travelling on any Turnpike Road shall be driven by any Person who shall not be of the full Age of Fourteen Years, under a Penalty for each such Offence not exceeding Forty Shillings, to be paid by the Owner of such Waggon or Cart.

Persons opening up or conveying Water across the Roads or Causeways must repair them.

C. And be it enacted, That if the Causeways and Footpaths of any Turnpike Road or any Part thereof shall be opened up by any Person or Persons, with Leave of the said Trustees, or otherwise having Authority so to do, for the laying of Pipes for Water, Gas, Tunnels or Railroads, or for any other Purpose whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the Person or Persons opening up the same, to the Satisfaction of the said Trustees or their Survey, then the said Trustees or their Surveyor shall have full Power and they are hereby authorized to execute the necessary Repairs on the Part or Parts of such Road or Footpath so opened up, and to restore the same completely, and to charge the Expence thereof against the Person or Persons opening up the same, which shall be ascertained by an Account under the Hands of the said Trustees or a Quorum of them, or of their Clerk or Surveyor; and if any Damage shall happen to the Public from the Operations of the Persons opening up the Road as aforesaid, such Persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all Expences attending the same; and in all Cases where any Injury shall arise to any Turnpike Road from any Drain, Conduit, Pipe, Water, Matter, or Thing whatsoever being conveyed across, in, under, or upon, or by any thing done upon any Part of any such Road, by any Person having Leave or otherwise entitled so to do, and such Injury shall not be immediately repaired to the Satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the Expence thereof as aforesaid against the Person occasioning the said Injury, or for whose Uses or Purposes the Thing occasioning the same shall be done or kept.

Surveyors, &c. not to leave Nuisances on Roads.

CI. And be it enacted, That if the Surveyor of any Turnpike Road, or any Contractor or other Person employed on such Road, shall lay on any Part of any such Road any Heap of Stones or other Materials for the Repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such Materials; or shall lay on any such Road any Matter or Thing, or shall knowingly permit to remain on any Part of any such Road any Matter or Thing which may endanger the Safety of any Passenger; or shall dig any Pit or make any Cut on any Turnpike Road, without sufficiently fencing the same; such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, over and above the Damages occasioned thereby, and Expences; and it shall be lawful for any Person travelling along any Turnpike Road to prosecute for such Sum, Damages, and Expences in manner herein-after provided: Provided always, that it shall be lawful for any such Surveyor,

veyor, Contractor, or other Person to have on any such Road, during Daylight, any Trestles or Bars, in any such Manner as the Trustees of such Road may judge necessary to prevent Interruption of the Work during the repairing of the Road, or to prevent Carts or Carriages from running in Tracks injurious to the Road; provided always, that such Trestles or Bars shall at all Times be placed in such Manner as not to be more inconvenient to Passengers than may be necessary to prevent Interruption to the Work, or to prevent Carts or Carriages from running in Tracks injurious to the Road.

Proprietors to fence Pits made near the Roads.

CII. And be it enacted, That if the Proprietor or Occupier of any Lands adjacent to any Turnpike Road shall dig any Pit or make any Cut upon or within Twelve Feet of the Side of any such Road, and shall leave the same unfenced so as to be dangerous to Travellers, and shall not fence the same when required so to do by any Two of the Trustees of such Road, or the Procurator Fiscal of the Shire within which the said Pit or Cut is situated, such Proprietor or Occupier shall forfeit and pay a Sum not exceeding Five Pounds for every Day such Pit or Cut shall continue to be unfenced beyond Three Days after Notice shall have been given as aforesaid, and it shall be lawful, after such Notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the Expence of such Proprietor or Occupier.

No Animal to be pastured on the Roads.

CIII. And be it enacted, That if any Horse, Cattle, Ass, Sheep, Swine, or other Beast of any Kind shall be pastured, or left or permitted to remain, or found straying on any Turnpike Road or the Sides thereof, (except on such Parts of any Road as pass through or over any Common or Waste Ground, or Land not inclosed, or arable on both Sides,) the Person so pasturing or leaving such Beast, or permitting the same to remain, or the Person having the Charge of such Beast, or the Owner thereof if such Person cannot be found, shall forfeit and pay a Sum not exceeding Five Shillings for every such Beast; and it shall be lawful for any Trustee of such Road, or the Surveyor of such Trustees, or any other Person authorized by them, *brevi manu*, to seize and detain the same until such Penalty and the Expences of Process and Proceedings shall be paid; and in case the said Penalty and Expences shall not be paid within Three Days after Notice of such Detention shall be given on the Two nearest Toll Bars on the said Road where such Animal shall be found, the said Surveyor or other Person shall sell the same, with the Authority of the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered to grant such Authority; and after deducting the Amount of the said Penalty and Expences, such Surveyor or other Person shall pay the Surplus, if any, to the Owner of such Animal so detained.

Side Ridges to be made in uninclosed Lands.

CIV. And be it enacted, That every Person in ploughing any uninclosed Land adjoining any Turnpike Road shall make Side Ridges along the Sides of such Road of the Breadth of Twelve Feet at the least, under a Penalty not exceeding Five Pounds.

CV. And

CV. And be it enacted, That no Gate of any Park, Field, or Inclosure whatsoever shall be made to open into or towards any Part of any Turnpike Road, or of any Footpath belonging thereto, or be suffered so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road as that no Part of such Gate shall when open project over any Part of such Road, or of any Footpath belonging thereto; and the Occupier of any Park, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Six Days after Notice to him or her given, either personally or in Writing, from the Trustees of any Turnpike Road, or their Surveyor, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of such Road or of any Footpath belonging thereto; and if such Occupier fail so to do, the Surveyor of any such Road shall cause the Gate to be hung as herein-before directed, and charge the Expence of making such Alteration and hanging such Gate against the said Occupier, who shall, over and above such Expence, forfeit and pay a further Sum not exceeding Five Pounds for such Neglect. Gates to open inwards.

CVI. And be it enacted, That the Trustees of every Turnpike Road shall cut or cause to be cut all Weeds growing on the same or the Sides thereof, when inclosed, at a proper Season of the Year, in order to prevent such Weeds coming into Seed; and if they fail so to do for Eight Days after being required by the Proprietor or Occupier of the adjoining Land, by Notice in Writing given to their Clerk or Surveyor, such Proprietor or Occupier may cut the same, and charge the Expence thereof against the said Trustees. Weeds to be cut by Trustees.

CVII. And be it enacted, That no Person shall hereafter erect any Windmill, Watermill, Steam Engine, or Limekiln within the Distance of One hundred Yards from any Part of any Turnpike Road, under the Penalty of Five Pounds for every Day such Windmill, Watermill, Steam Engine, or Limekiln shall continue, unless the same shall be so placed or screened as to prevent Damage or Detriment to any Traveller on such Turnpike Road by frightening Horses or otherwise; nor shall any Person hereafter place any Skinner's Washing Pond within the Distance of One hundred Yards from any Part of any Turnpike Road, under a Penalty not exceeding Five Pounds for every Day any such Nuisance shall continue: Provided always, that nothing herein contained shall be construed to render legal the Erection, Re-erection, or Continuance of any Windmill, Watermill, Steam Engine, Limekiln, or Skinner's Washing Pond, in any Case where, by the Common Law, the same shall be a public or private Nuisance. No Windmill, &c. to be erected within 100 Yards of the Turnpike Road.

CVIII. And be it enacted, That the Owner of every Waggon or Cart, and also of every Coach, Post Chaise, or other Carriage, let either in the whole or in part to Hire, shall paint in a straight Line horizontally, upon some conspicuous Part on the off or right Side of his Waggon or Cart, and upon the Panels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any Turnpike Road, the Christian and Surname and Place of Abode of such Person, or the Christian and Surname and Place of Abode Owners of Waggons, Carriages, &c. shall cause their Names to be painted thereon.

Abode of the principal Partner or Owner thereof, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour on a dark Ground, not less than One Inch in Height, with Numbers beginning with Number One, where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, and shall continue the same thereupon as aforesaid so long as such Waggon, Cart, or other Carriage shall be used upon any Turnpike Road; and every Owner of any such Waggon, Cart, or other Carriage, using or allowing the same to be used upon any Turnpike Road without the Names and Descriptions painted thereon respectively as aforesaid, and every Person driving the same, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and every Waggon or Cart, and every such Coach, Post Chaise, or other Carriage, let for Hire without the Name, Surname, and Place of Abode of the Owner painted thereon as herein-before directed, or having the same or any Part thereof covered or placed so as to be illegible, shall be liable to pay Double Toll Duty; and every Person driving any such Waggon, Cart, or other Carriage, who shall refuse to stop and permit the Name to be read or uncovered by any Person requiring him so to do, shall over and above forfeit for every such Offence any Sum not exceeding Forty Shillings.

Trustees may prosecute before Sheriff and Justices at the Expence of the Trust.

CIX. And be it enacted, That it shall be lawful for the Procurator Fiscal and for the Trustees of any Turnpike Road, or any Person authorized by them, or any one of their Number, to prosecute for any Expences, Toll Duty, Penalty, Forfeiture, or Fine imposed by this or any Act made for making or maintaining any Turnpike Road, and to recover the same before the Sheriff or the Justices of the Peace of the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, subject to Appeal in manner herein-after mentioned; and it shall be lawful for the said Trustees to allow the Expences of such Prosecutions to be defrayed out of the Funds of the Trust.

Proceedings for recovering Penalties, &c.

CX. And be it enacted, That all Expences, Toll Duties, Penalties, Forfeitures, and Fines imposed by this or any such Act as aforesaid, (excepting such Penalties as are herein otherwise directed to be recovered and applied,) shall, after hearing the Party complained of, or on the Nonappearance of such Party after Summons, on an Induciæ of Six Days, personally, or at the Dwelling Place of such Party (of which the Oath of One Witness, or an Execution of Citation without Witnesses, shall be sufficient Evidence,) upon Proof of the Fact before the Sheriff or Justices of the Peace for the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, either by the Confession of the Party offending, or by the Oath of any One credible Witness, or other competent Evidence, be levied, together with the Expences of the Prosecution and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff or Justices (which Warrant such Sheriff or Justices are hereby empowered to grant); and the Surplus (if any), after deducting such Expences, Toll Duties, Penalties, Forfeitures, and Fines, and the Expences of

the Proceedings and Charges of such Poinding and Sale, shall be returned to the Owner of such Goods and Effects; and in case the same shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff or Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security, to the Satisfaction of and to the Amount fixed by such Sheriff or Justices, for his or her Appearance before such Sheriff or Justices on such Day as shall be appointed for the Return of such Warrant of Poinding, which Security the said Sheriff or Justices are hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for the said Sheriff or Justices, in all Cases where the Penalties sought to be recovered shall exceed the Sum of Forty Shillings, and they are hereby authorized and required, by Warrant under their Hand to cause such Offender to be committed to the Common Gaol or House of Correction of the Shire where the Offender shall be or reside, there to remain for any Time not exceeding Four Months, unless such Expences, Toll Duties, Penalties, Forfeitures, and Fines, and the Expences of the Proceedings, shall be sooner paid; and in all Cases where the Penalties awarded shall be less than the Sum of Forty Shillings, the said Sheriff or Justices may, when no Effects can be found as above, commit the Offender to Prison for any Time not exceeding Two Months, unless the said Penalties, Duties, Fines, and Expences shall be sooner paid; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the Expences of the Proceedings, shall be paid to the Trustees for making and maintaining the Road on which such Offence shall have been committed, or to their Treasurer, and applied and disposed of for the Purposes of such Road.

Summary Process.

CXI. Provided always, and be it further enacted, That it shall be lawful for the Sheriff or any One Justice before whom any Complaint for the Recovery of any such Expences, Toll Duties, Penalties, Forfeitures, or Fines may be brought, to proceed, if such Sheriff or Justice, duly considering the Nature of the Case, shall think fit, and not otherwise, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and after hearing Parties on Confession or Probation by the Oath of any credible Witness, or other competent Evidence, to proceed to determine thereon without any written Pleadings or Record of Evidence, and to grant Warrant for levying the said Penalties by Poinding and Sale; and in the Case of a Return of no Effects, or in case it shall appear to the Satisfaction of such Sheriff or Justice that no sufficient Effects can be found, for Commitment of the Offender as above enacted; but in all such Cases a Record shall be preserved of the Charge and of the Judgment pronounced.

Attendance of Witnesses.

CXII. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Sheriff or before any Justice

of the Peace touching any Matter contained in any Act relating to Turnpike Roads, or in this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, then such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be no Objection to any Witness that such Witness shall have appeared without Citation or without having been regularly cited.

For securing transient Offenders.

CXIII. And whereas Offences may be committed against this Act or other Acts for making and maintaining Turnpike Roads, by Persons unknown to the Tollgatherers or other Officers; be it therefore enacted, That it shall be lawful for any of the Trustees of any Turnpike Road, or any of their Clerks, or their Tollgatherers, Surveyors, or other Officers respectively, and such other Person as any of them shall call to their Assistance, or for any Person seeing any Offence committed against this or any Turnpike Act, without any Warrant or other Authority than this Act, *brevi manu*, to seize and detain any unknown Person who shall commit any such Offence, and take such Person without Delay before the Sheriff or any neighbouring Justice of the Peace for the Shire where the Offence shall have been committed, or where such Offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such Person till Caution *de judicio sisti* be found, or shall proceed in the summary Way above provided, as the Case may seem to require.

Appeal.

CXIV. And be it enacted, That any Person who shall think himself or herself aggrieved by any Judgment or Proceedings of any Justice or Justices of the Peace in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Three Months after such Judgment or Proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, and finding Caution to pay the Expences of such Appeal; and where by this Act the adjudging of any Penalty, Forfeiture, Fine, or the determining the Amount of any Payment, Damages, or Expences, or any other Matter, is committed to any Justice or Justices of the Peace, or to the Sheriff or the Justices of the Peace assembled in their Quarter Sessions, originally or by Appeal, all Judgments, Determinations, and Proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to Review by Advocation or Suspension or by Reduction, or by any Process of Law or Court whatsoever; any Law or Usage to the contrary notwithstanding.

Judgment of Sheriff or Quarter Sessions to be final.

Warrants, &c. may be enforced in any other County.

CXV. And be it enacted, That all Warrants, Interlocutors, Judgments, and Sentences of Sheriffs and Justices, issued or pronounced under the Authority of this Act, may be enforced against the Person or Effects of any Party or Witness in any other County, as well as in the County where the same are issued or pronounced; provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be

indorsed by the Sheriff or a Justice of the Peace of such other County; and such Indorsation shall be sufficient Authority to the Constables or Sheriff's Officers of both Jurisdictions respectively to put the same to execution within such other County.

Existing Causes not to be affected hereby, nor the Powers of Sheriffs.

CXVI. And be it enacted, That all Civil Causes and Prosecutions for Penalties commenced before the passing of this Act, on account of any Matter concerning any Turnpike Road, shall be carried on and concluded in the same Manner as if this Act had not been passed; and nothing herein contained shall render it incompetent for any Sheriff to hear and determine any Civil Causes or Prosecutions for Penalties on account of any of the Matters herein-before enacted, or of any thing contained in any Local Turnpike Act, according to the Provisions of an Act passed in the Tenth Year of His late Majesty's Reign, intituled *An Act for the more effectual Recovery of Small Debts, and for diminishing the Expences of Litigation in Causes of small Amount in the Sheriff Courts in* Scotland. 10 G. 4. c. 55.

Proceedings in case Trustees neglect to repair Roads.

CXVII. And be it enacted, That if the repairing or maintaining of any Turnpike Road shall be neglected, or such Road so badly kept that Travellers are injured, impeded, or obstructed in using the same, any Person having paid Toll Duty thereon, and finding Caution to pay Expences of Process, may present a Petition and Complaint against the Trustees of such Road to the Court of Session; and the said Court is hereby authorized to receive the same, and to adjudge and determine therein in a summary Manner, without abiding the Course of the Roll, and to pronounce such Orders and Decrees as to the repairing and keeping of the Road, or otherwise, as the Justice of the Case shall seem to them to require, having due Regard to the Funds of the Trust, and particularly to determine whether the Road is in such a State of Repair as to justify the levying of the Toll Duties, or any Proportion thereof, levied by the said Trustees, and also to determine as to the Expences of such Complaints and Proceedings thereon; and if any such Complaint shall be found to be without probable Cause, the Complainer shall be found liable, over and above the Expences of Process, in a Penalty of Twenty Pounds, to be paid to the Trustees for the Purposes of the Trust; and it shall not be lawful to present any such Complaint or institute any Proceedings on any of the Grounds above mentioned before any other Court or in any other Manner than as aforesaid.

Prosecutions to be brought within Six Months.

CXVIII. And be it enacted, That all Civil Causes, Petitions, Complaints, and Processes whatsoever, and Prosecutions for Expences, Toll Duties, Penalties, Forfeitures, and Fines imposed by this Act or any Local Turnpike Act, or for any Damages incurred or any Wrongs done or Injuries suffered in any Matter thereto relating, or for any thing done in pursuance of any of the Powers by this or any such Act given and granted, shall be commenced within Six Calendar Months after the Penalty, Forfeiture, Fine, or Damage shall have been incurred, or Wrong done, or Injury suffered, or Fact committed, and not afterwards.

CXIX. And

Exception of Highland Commissioners Roads, and Glasgow and Carlisle Road.

CXIX. And be it enacted, That nothing herein contained shall be construed or taken to extend to any of the Roads and Bridges which are now or hereafter may be placed under the Direction and Management of the Commissioners for Highland Roads and Bridges under and by virtue of an Act passed in the Fifty-ninth Year of His Majesty King *George* the Third, intituled *An Act to repeal Two Acts made in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, for maintaining and keeping in repair certain Roads and Bridges in* Scotland, *to provide more effectually for that Purpose, and for the Regulation of Ferries in* Scotland; or of an Act passed in the Fourth Year of His late Majesty King *George* the Fourth, intituled *An Act for maintaining and keeping in repair the Military and Parliamentary Roads and Bridges in the Highlands of* Scotland, *and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges;* or of an Act passed in the Fifth Year of His said Majesty, intituled *An Act to amend Two Acts for maintaining and keeping in repair the Military and Parliamentary Roads in the Highlands of* Scotland; or of an Act passed in the Fifty-sixth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for improving the Road from the City of* Glasgow *to the City of* Carlisle; or of Three several Acts amending the same, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said Majesty, and in the First and Second Years of the Reign of His late Majesty King *George* the Fourth.

59 G. 3. c. 135.

4 G. 4. c. 56.

5 G. 4. c. 38.

56 G. 3. c. lxxxiii.

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shoot at, maim, or disfigure any Person or Persons in any Dwelling House or other Place, or should knowingly send any Letter, with or without any fictitious Name or Names thereto subscribed, demanding any Money, Fire-arms, Ammunition, or other Thing or Things, or threatening to injure the Persons or Property of any of His Majesty's Subjects; or if any Person or Persons should, by Gift, Promise, or Threats, procure any of His Majesty's Subjects to join in any of the aforesaid Offences, or should unlawfully compel, or by Force, Threats, or Menaces attempt to compel, any of His Majesty's Subjects to quit his, her, or their Habitation, Farm, Possession, Place of Abode, or lawful Employment, all and every Person and Persons so offending, being thereof lawfully convicted, should be adjudged guilty of Felony, and suffer Death; and also so much of said Act as enacts that if any Person or Persons should, at any Time after Sunset and before Sunrise, or before the Hour of Six in the Forenoon though the Sun should be arisen, maliciously assault, or in any Manner whatsoever maliciously injure, the Habitation, Property, Goods, or Chattels of any other Person or Persons, or should forcibly and maliciously break into his, her, or their House, Barn, or Outhouse, or should maliciously cause any Door to be opened by Threats or Menaces, or should forcibly take or carry away any Horse, Gelding, Mare, or Mule, or any Gun, Sword, or other offensive Weapon, or any Money or Goods or Chattels, without the Consent of the Owner, or should cause the same or any of the same to be delivered to them by Threats or Menaces, all and every Person or Persons so offending, being thereof lawfully convicted, should be adjudged guilty of Felony, and suffer Death; and so much of said Act as enacts that all and every Person or Persons who should, from and after the First Day of *March* One thousand seven hundred and seventy-six, assist, abet, or succour any Person or Persons to commit any of the Offences therein aforesaid, or should wilfully or knowingly conceal any Person or Persons who had committed any of the Offences aforesaid (for which Sentence of Death as in Cases of Felony might be awarded), every Person or Persons so aiding, assisting, abetting, succouring, or concealing such Person or Persons should, on being thereof lawfully convicted, be adjudged guilty of Felony, and suffer Death; and so much of said Act as enacts that it should be lawful for any Justice of the Peace or others therein mentioned, from Time to Time, as well by Night as by Day, to search for, seize, and carry away, or cause to be searched for, seized, and carried away, all Arms and Ammunition whatsoever belonging to or being in the Custody or Possession of any Papist or reputed Papist, not duly licensed to keep and carry the same, or in the Hands or Possession of any Person or Persons in Trust for them or any of them, and for that Purpose to enter into any Dwelling House, Out-house, Office, Field, or other Place belonging to such Papist or reputed Papist, and into the Dwelling House, Outhouse, Office, Field, or other Place belonging to any other Person whatsoever, where he or they should have reasonable Cause to suspect any such Arms or Ammunition should be concealed, and such Arms and Ammunition so taken and seized should by the Person or Persons so seizing and taking the same be preserved for the Use of His Majesty, His Heirs and Successors, to be disposed of as He or They should think fit, unless it should appear that the same

were forcibly taken and carried away from some of His Majesty's Subjects in manner therein-before mentioned, in which Case such Arms and Ammunition should be delivered to the Person or Persons from whom the same were so forcibly taken; and in case any such Justice or Justices of the Peace, or other Chief Magistrate as aforesaid, after such Search made, should have Cause to suspect that any Arms or Ammunition remained concealed and not seized as aforesaid, he and they was and were thereby required to cause such Person and Persons whom he or they should suspect to have concealed the same to be brought before him and them, and to be examined upon Oath concerning the same; and so much of said Act as enacts that every such Person or Persons who, upon Demand or Search made for such Arms or Ammunition as aforesaid, should refuse to deliver up the same, and also to declare and manifest to the Justice or Justices of the Peace, Mayors, Sheriffs, or other Chief Magistrates, what Arms or Ammunition he, she, or they, or any other to his, her, or their Knowledge, or with his, her, or their Privity, had, or should hinder or disturb the Delivery thereof to the said Justices as therein; and every Person and Persons who should refuse to make Discovery, upon his or their Oath, to be administered by such Justice or Justices of the Peace or other Chief Magistrates aforesaid, concerning the Premises aforesaid, on being summoned as therein mentioned, should, without reasonable Cause, neglect or refuse to appear to be examined as therein, every Person or Persons so offending, being thereof lawfully convicted, should be punished by Fine, Imprisonment, Pillory, or Whipping; and so much of said Act as enacts that every Person or Persons who should by Force or Violence break open any Gaol or Prison with Intent to rescue and enlarge him, her, or themselves, or any other Prisoner or Prisoners therein confined on account of any Offence, though the same be not capital, all and every Person or Persons found guilty thereof should suffer Death, and may be tried before the Trial or Attainder of the Person or Persons so enlarged; and so much of said recited Act as enacts, that every Person who shall rescue any Person committed by a Justice of the Peace for Treason, Felony, or any of the Offences therein punishable with Death, from a Constable or any Person legally authorized for that Purpose, before the Person or Persons so committed should be lodged in Gaol, being found guilty thereof, should suffer Death; shall be and the same, save and except as to Offences committed before the passing of this Act, is and are hereby repealed.

Any Person who shall compel or menace any one to quit his Farm or Employment, or shall assault or break into any Habitation, or injure Property, or carry away Horses, &c.

II. And be it further enacted, That if any Person or Persons, rising or assembling in the Manner mentioned in the said recited Act of the Fifteenth and Sixteenth Years of His late Majesty King *George* the Third, or in any other Manner whatsoever, shall unlawfully compel, or by Force, Threats, or Menaces attempt to compel, any of His Majesty's Subjects to quit his, her, or their Dwelling House, Habitation, Farm, Possession, Place of Abode, Service, or lawful Employment, or shall maliciously assault or injure the Dwelling House, Place of Abode, or Habitation of any other Person or Persons, or shall break into his, her, or their House, Habitation, Barn, or Outhouse, or cause any Door to be opened by Threats or Menaces, or shall maliciously injure the Land, Goods or Chattels, or Property,

shall be liable to Transportation or Imprisonment.

Property, Real or Personal, of any other Person or Persons; or take or carry away any Horse, Gelding, Mare, or Mule, or any Gun, Sword, or other Weapon, or any Money or Goods or Chattels whatsoever, without the Consent of the Owner, or shall cause the same or any of the same to be delivered to him or them by Threats or Menaces; or shall in any Manner whatsoever maliciously dig up, turn up, pull up, cut down, prostrate, level, demolish, or injure the Lands or Crops growing or severed, or the Walls, Paling, Hedges, or other Fences, or the Cattle, Goods, or Chattels, of any other Person or Persons; all and every Person and Persons so offending, being thereof lawfully convicted, shall be liable to be transported beyond the Seas for the Term of his natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned with or without hard Labour for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment.

Sending threatening Notices or Letters, &c. Transportation or Imprisonment.

III. And be it enacted, That if any Person or Persons shall knowingly print, write, post, publish, circulate, send, or deliver, or cause or procure to be printed, written, posted, published, circulated, sent, or delivered, any Notice, Letter, or Message exciting or tending to excite any Riot, tumultuous or unlawful Meeting or Assembly, or unlawful Combination or Confederacy, or threatening any Violence, Injury, or Damage, upon any Condition or in any Event, or otherwise, to the Person, or Property, Real or Personal, of any Person whatever, or demanding any Money, Arms, Weapons or Weapon, Ammunition, or other Matter or Thing whatsoever, or directing or requiring any Person to do or not to do any Act, or to quit the Service or Employment of any Person, or to set or to give out any Land, every Person so offending shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment.

Breaking Gaol, Transportation or Imprisonment.

IV. And be it enacted, That from and after the passing of this Act, every Person or Persons who shall by Force or Violence break open any Gaol, Prison, or Bridewell, with an Intention to rescue and enlarge him, her, or themselves, or any other Prisoner or Prisoners therein confined on account of any Offence, though the same be not Capital, all and every Person or Persons who shall commit such Offence, and shall be found guilty thereof, shall be transported beyond the Seas for the Term of his natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment, and shall and may be tried before the Trial of the Person or Persons so enlarged, any Law or Statute to the contrary in anywise notwithstanding.

Rescuing Prisoners,

V. And be it enacted, That every Person who shall rescue any Person committed by a Justice of the Peace, on a Mittimus, for

for Treason, Felony, or any of the Offences herein-before mentioned, punishable with Transportation, from a Constable or any Person legally authorized for that Purpose, before the Person or Persons so committed shall be lodged in Gaol, shall, on being found guilty thereof, be transported beyond the Seas for the Term of his natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment. Transportation or Imprisonment.

VI. And be it further enacted, That all and every Person and Persons who shall assist, abet, or succour any Person or Persons to commit any of the Offences mentioned in this Act, for which Sentence of Transportation may be awarded, or shall knowingly excite, encourage, or promote, or shall solicit, ask, or require, any Person or Persons whatsoever, or shall endeavour to compel or induce any Person or Persons, to join in the Commission of any Offence mentioned in this Act, for which Sentence of Transportation may be awarded, shall be liable to be transported beyond the Seas for the Term of Seven Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped, if the Court shall think fit, in addition to such Imprisonment. Persons abetting or encouraging others to commit any Offence punishable by Transportation to be transported or imprisoned.

VII. And be it enacted, That it shall and may be lawful for the Court, if such Court shall so think fit, after sentencing any Person to be transported or imprisoned as aforesaid, immediately on such Sentence to order and cause such Person so sentenced to be transmitted out of the County, County of a City, or County of a Town wherein the Conviction shall take place, to any of His Majesty's Gaols, Prisons, or Hulks, or other Places of Confinement, in any Part of *Great Britain* or *Ireland*, there to remain till he or they shall be transported, or to be imprisoned therein, according to the Adjudication of the Court. Court may order Persons convicted to be removed out of the County.

VIII. And whereas Doubts have arisen whether the Courts of Oyer and Terminer or Gaol Delivery, or the Courts of Quarter Sessions, and other Courts having Jurisdiction in Criminal Cases, in *Ireland*, have Power to fine Persons who refuse or decline to obey the Summonses of such Court to attend as Witnesses; be it declared and enacted, That it shall and may be lawful for every Court in *Ireland* having by Law Jurisdiction over Criminal Offences, upon Proof being made of the Service, either personally or at the Residence of the Person or Persons required to attend, of any Summons to appear and give Evidence in such Court touching any Offence, to impose upon the Person so served, in case of his or her disobeying such Summons, such Fine or Fines as the Court shall in its Discretion think proper, and to direct that the same shall be levied and raised in manner herein-after mentioned. Court may fine Witnesses who do not attend.

IX. And be it enacted, That it shall and may be lawful to and for the Judge, Assistant Barrister, or Recorder presiding at any Court of Court may order Fine to be immediately levied.

of Assize, Gaol Delivery, Sessions, or other Court as aforesaid, immediately on any Recognizance being estreated, or any Juror or Witness fined, to forthwith order the Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer of such Court, to issue his Warrant to the Sheriff or Sheriffs of any County or County of a Town or County of a City, commanding him or them forthwith to levy the Amount for which such Recognizance shall be estreated or Fine imposed on the Body and Goods of the Person or Persons against whom such Warrant shall issue, as is usual in the Recovery of forfeited Recognizances; and that the Sum so to be levied shall, after deducting thereout the Sum of Sixpence *per* Pound, and no more, on the Money actually levied and received by such Sheriff or Sheriffs, be forthwith paid to the Treasurer or other Officer of the Infirmary of the County, County of a City, Town, or Place wherein such Court shall be held, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, County of a City, Town, or Place, and in case there shall be no such Infirmary, then to the Treasurer or other proper Officer of such other public Charity within such County, City, Town, or Place, as such Court shall by its Order for that Purpose direct; and every such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer of such Court shall keep an Account, in a Book to be provided for that Purpose, of the Amount of every such forfeited Recognizance and Fine, specifying the Place and Time and Order whereby such Recognizance was forfeited or Fine imposed, and the Name or Names of the Person or Persons on whom such Forfeiture or Fine was imposed, and shall, within Fourteen Days next after such Recognizance shall be forfeited or Fine imposed, transmit an Abstract from said Book to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any public Charity within such County, City, Town, or Place where there shall not be such Infirmary; and that every such Book shall at all seasonable Times be open to the Inspection of such Treasurer or other Officer, for the Purpose of ascertaining what Sums of Money may be due and payable under this Act; and that such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer shall, at each Spring and Summer Assizes in every Year, post and affix on the Door of the Court House or Place in which the Assizes shall be holden, a true Copy of so much of such Book as contains all the Recognizances or Fines forfeited and imposed since the first Day of the preceding Assizes, to be then and there kept, posted, and affixed during the whole of such Assizes, and shall, within Fourteen Days after the Conclusion of such Assizes, cause a true Abstract to be inserted in some one public Newspaper published or circulated within such County, City, or Town; and if any Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer shall omit or neglect to keep such Account as aforesaid, or to post or publish the same in manner required by this Act, or if any such Account or Abstract shall in any Particular be untrue or deficient, or if any Sheriff or Sheriffs shall neglect or omit to pay over to such Treasurer or other proper Officer the Amount levied by him or them within Ten Days after he shall levy the same, every such Clerk of the Crown, Clerk of the Peace, Town Clerk, or other Officer, or Sheriff or Sheriffs, shall for every such Offence, Neglect, or Omission,

forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Plaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

X. And be it enacted, That this Act shall commence and take effect immediately on the passing thereof; and that it shall extend only to that Part of the United Kingdom called *Ireland*. Commencement and Extent of Act.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLV.

An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies;* and for other Purposes.

[15th *October* 1831.]

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies,* it was amongst other things enacted, that all and every Augmentation, of what Nature soever, granted, reserved, or agreed to be made payable, or intended to be granted, reserved, or made payable, since the First Day of *June* in the Twelfth Year of His said Majesty's Reign, or which should at any Time thereafter be granted, reserved, or made payable to any Vicar or Curate, or reserved by way of Increase of Rent to the Lessors, but intended to be to or for the Use or Benefit of any Vicar or Curate, by any Archbishop, Bishop, Dean, Provost, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, so making the said Reservation out of any Rectory Impropriate or Portion of Tithes belonging to any Archbishop, Bishop, Dean, Provost, Dean and Chapter, or other Ecclesiastical Corporation, Person or Persons, should be deemed 29 C. 2. c. 8.

deemed and adjudged to continue, and be and should for ever thereafter continue and remain, as well during the Continuance of the Estate or Term upon which the said Augmentations were granted, reserved, or agreed to be made payable, as afterwards, in whose Hands soever the said Rectories or Portion of Tithes should be or come, which Rectories or Portions of Tithes should be chargeable therewith, whether the same should be reserved again or not; and the said Vicars and Curates respectively were thereby adjudged to be in the actual Possession thereof for the Use of themselves and their Successors, and the same should for ever thereafter be taken, received, and enjoyed by the said Vicars and Curates, and their Successors, as well during the Continuance of the Term or Estate upon which the said Augmentations were granted, reserved, or agreed to be made payable, as afterwards; and the said Vicars and Curates should have Remedy for the same, either by Distress upon the Rectories Impropriate or Portions of Tithes charged therewith, or by Action of Debt against that Person who ought to have paid the same, his Executors or Administrators, any Disability in the Person or Persons, Bodies Politic or Corporate so granting, or any Disability or Incapacity in the Vicars or Curates to whom or to or for whose Use or Benefit the same were granted or intended to be granted, the Statute of Mortmain, or any other Law, Custom, or other Matter or Thing whatsoever, to the contrary notwithstanding; provided always, that no future Augmentation should be confirmed by virtue of the said Act which should exceed One Moiety of the clear yearly Value above all Reprises of the Rectory Impropriate out of which the same should be granted or reserved; and it was thereby also enacted, that if any Question should thereafter arise concerning the Validity of such Grants, or any other Matter or Thing in that Act mentioned and contained, such favourable Constructions, and such Remedy, if need be, should be had and made for the Benefit of the Vicars and Curates as theretofore had been had and made or might be had for other charitable Uses upon the Statutes for charitable Uses: And whereas it is expedient that the Powers and Provisions of the said Act should be amended and enlarged; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Provision by which the Amount of any Augmentation is restricted and limited to One Moiety of the clear yearly Value above all Reprises of the Rectory Impropriate out of which the same should be granted and reserved, shall, so far as relates to any Augmentation which may be granted after the passing of this Act, be and the same is hereby repealed.

Provision in recited Act limiting any Augmentation repealed.

II. And whereas Doubts may arise by reason of the Mention of Portion of Tithes in the said recited Act; be it enacted, That the Provisions of the said recited Act shall extend to any Augmentation to be made out of Tithes, although the same may not be a Portion of Tithes; and further, that it shall be lawful, under the Power given by the said recited Act, to grant, reserve, or make payable any such Augmentation as aforesaid to the Incumbent of any Church or Chapel within the Parish or Place in which the Rectory Impropriate

Explaining Doubts as to Portion of Tithes, &c.

propriate shall lie, or in which the Tithes or Portion of Tithes shall arise, (as the Case may be,) whether such Incumbent shall be a Vicar or Curate, or otherwise: Provided also, that no such Augmentation shall be made payable to any other Person whomsoever.

Recited Act to extend to Augmentations by Colleges and Hospitals.

III. And be it further enacted, That in every Case in which any Augmentation shall at any Time hereafter be granted, reserved, or made payable to the Incumbent of any Church or Chapel, or reserved by way of Increase of Rent to the Lessors, but intended to be to or for the Use or Benefit of any Incumbent, by the Master and Fellows of any College, or the Master or Guardian of any Hospital so making the said Grant or Reservation out of any Rectory Impropriate, or Tithes, or Portion of Tithes, belonging to the Master and Fellows of such College, or the Master or Guardian of such Hospital, all the Provisions herein-before recited and set forth, except the Provision herein-before repealed, shall apply to such Case in the same Manner as if the same Provisions, except as aforesaid, (with such Alterations therein as the Difference between the Cases would require,) were herein expressly set forth and enacted with reference thereto: Provided always, that every such Augmentation shall be made to the Incumbent of some Church or Chapel within the Parish or Place in which the Rectory Impropriate shall lie, or in which the Tithes or Portion of Tithes shall arise (as the Case may be).

The same Statute to extend to Augmentations made by Spiritual Persons, Colleges, and Hospitals, out of any Hereditaments, to any Church or Chapel being in their Patronage.

IV. And be it further enacted, That in every Case in which any Augmentation shall at any Time hereafter be granted, reserved, or made payable to the Incumbent of any Church or Chapel being in the Patronage of the Grantor or Grantors, or Lessor or Lessors, or be reserved by way of Increase of Rent to the Lessor or Lessors, but intended to be to or for the Use or Benefit of any such Incumbent, by any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, or the Master and Fellows of any College, or the Master or Guardian of any Hospital so making the said Grant or Reservation out of any Lands, Tenements, or other Hereditaments belonging to such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, or the Master and Fellows of such College, or the Master or Guardian of such Hospital, all the Provisions herein-before recited and set forth (except the Provision herein-before repealed) shall apply to such Case in the same Manner as if the same Provisions, except as aforesaid, (with such Alterations therein as the Difference between the Cases would require,) were herein expressly set forth and enacted with reference thereto.

All such Augmentations to be in the Form of annual Rents.

V. Provided also, and be it further enacted and declared, That every Augmentation which at any Time hereafter shall be granted, reserved, or made payable, either under the Power given by the said recited Act, or under either of the Powers herein-before contained, shall be in the Form of an annual Rent, and that the Provisions of the said recited Act, and the Provisions herein-before contained, shall not apply to any other kind of Augmentation whatsoever to be made after the passing of this Act.

VI. And

Where Hereditaments are in Lease, a Part of the reserved Rent may be granted as an Augmentation.

VI. And be it further enacted and declared, That where any such Rectory Impropriate, or Tithes, or Portion of Tithes, or any such Lands, Tenements, or other Hereditaments as aforesaid, shall respectively be subject to any Lease on which an annual Rent shall be reserved or be payable to the Person or Persons or Body Politic making the Augmentation, it shall be lawful, during the Continuance of such Lease, to exercise the Power given by the said recited Act, or either of the Powers herein-before contained, (so far as the same shall apply,) by granting to the Incumbent of the Benefice intended to be augmented a Part of the Rent which shall be so reserved or made payable as aforesaid, and then and in every such Case the same Premises shall for ever, as well after the Determination of such Lease as during the Continuance thereof, be chargeable to such Incumbent, and his Successors, with the Augmentation which shall have been so granted to him as aforesaid; and from and after such Time as Notice of the said Grant shall be given to the Person or Persons entitled in Possession under the said Lease, and thenceforth during the Continuance of the same, such Incumbent, and his Successors, shall have all the same Powers for enforcing Payment of such Augmentation as the Person or Persons or Body Politic by whom the Augmentation shall have been granted might have had in that Behalf in case no Grant of the same had been made; and after the Determination of the said Lease, the said Incumbent, and his Successors, shall have such Remedy for enforcing Payment of such Augmentation as aforesaid as is provided by the said recited Act with respect to Augmentations granted, reserved, or made payable under the Authority thereof.

Where Hereditaments are subject to a Lease not reserving a Rack Rent, an Augmentation may be granted, to take effect on the Determination of such Lease.

VII. And be it further enacted, That where any such Rectory Impropriate, or Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments as aforesaid, shall be subject to any Lease for any Term not exceeding Twenty-one Years or Three Lives, or (in the Case of such Houses as under the Provisions of the Act passed in the Fourteenth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for Continuation, Explanation, perfecting, and enlarging of divers Statutes*, may lawfully be leased for Forty Years,) not exceeding Forty Years, on which Lease the most improved Rent at the Time of making the same shall not have been reserved, it shall be lawful at any Time during the Continuance of such Lease to exercise the Power given by the said recited Act, or either of the Powers herein-before contained, by granting out of the said Premises an Augmentation, to take effect in Possession after the Expiration, Surrender, or other Determination of such Lease, and then and in every such Case the said Premises shall, from and after the Expiration, Surrender, or other Determination of the said Lease, and for ever thereafter, be chargeable with the said Augmentation; and the Provisions of the said recited Act and of this Act respectively shall in all respects apply to every Augmentation which shall be so granted in the same Manner as in other Cases of Augmentations to be granted under the Powers of the said recited Act or of this Act.

Power in such Cases to defer the

VIII. And whereas it is apprehended that it may be desirable in many Cases to make Grants of Augmentations in the Manner last herein-

herein-before mentioned, and that such Grants would be much discouraged if the Augmentation to be granted should necessarily take effect in Possession upon a Surrender of the Lease during which the same had been granted as aforesaid for the Purpose of such Lease being renewed; be it therefore further enacted, That in any Case in which an Augmentation shall have been granted to take effect in Possession after the Expiration, Surrender, or other Determination of any Lease in the Manner authorized by the Clause last herein-before contained, and a Renewal of such Lease shall take place before the Expiration thereof, it shall be lawful in and by the renewed Lease to defer the Time from which such Augmentation is to take effect in Possession as aforesaid until any Time to be therein specified in that Behalf: Provided always, that the Time to which the Augmentation shall be so deferred shall be some Time not exceeding Twenty-one Years, or (in the Case of such Houses as by the said Act of Her Majesty Queen *Elizabeth* may lawfully be leased for Forty Years) not exceeding Forty Years, to be respectively computed from the Commencement of the Lease during which the Augmentation shall have been granted.

Commencement of the Augmentation upon a Renewal of the Lease.

IX. Provided always, and be it further enacted, That where any such Augmentation as aforesaid shall have become chargeable, under or by virtue of the said recited Act or of this Act, upon any Rectory Impropriate, Tithes, Portion of Tithes, Lands, Tenements, or other Hereditaments, if any Lease shall afterwards be granted of any Part of the same Premises separately from the rest thereof, then and in every such Case, and from Time to Time so often as the same shall happen, it shall be lawful for the Person or Persons granting such Lease to provide and agree that any Part of such Augmentation shall during such Lease be paid out of such Part of the Hereditaments previously charged therewith as shall be comprised in the said Lease, and then and in such Case, and thenceforth during the Lease so to be made as aforesaid, no further or other Part of the said Augmentation shall be charged on the Premises comprised in the said Lease than such Part of the said Augmentation as shall be so agreed to be paid out of the same: Provided always, that in every such Case the Hereditaments which shall be leased in Severalty as aforesaid shall be a competent Security for such Part of the said Augmentation as shall be agreed to be paid out of the same, and the Remainder of the Hereditaments originally charged with the said Augmentation shall be a competent Security for the Residue thereof.

Power to apportion Augmentations on future Leases.

Restriction on the Exercise of the Power of Apportionment.

X. And whereas by the said recited Act it was enacted, that if upon the Surrender, Expiration, or other Determination of any Lease wherein such Augmentation had been or should be granted, any new Lease of the Premises, or any Part thereof, should thereafter be made without express Continuance of the said Augmentation, every such new Lease should be utterly void; be it further enacted, That the said last-mentioned Provision, so far as relates to any Augmentation which may be granted after the passing of this Act, shall be and the same is hereby repealed.

Repeal of so much of recited Act as requires an express Continuance of the Augmentation in new Leaess.

XI. And be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary,

Ecclesiastical Corporations, Colleges, &c.

holding Impropriate Rectories or Tithes, may annex the same to any Church or Chapel within the Parish in which the Rectory lies or the Tithes arise.

dary, or other Ecclesiastical Corporation, or Person or Persons, or the Master and Fellows of any College, or the Master or Guardian of any Hospital, being, in his or their corporate Capacity, the Owner or Owners of any Rectory Impropriate, or of any Tithes, or Portion of Tithes, arising in any particular Parish or Place, by a Deed duly executed, to annex such Rectory Impropriate, or Tithes, or Portion of Tithes as aforesaid, or any Lands or Tithes, being Part or Parcel thereof, with the Appurtenances, unto any Church or Chapel within the Parish or Place in which the Rectory Impropriate shall lie, or in which the Tithes or Portion of Tithes shall arise, to the Intent and in order that the same may be held and enjoyed by the Incumbent for the Time being of such Church or Chapel; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Power to annex Lands, &c. held by them to any Church or Chapel under their Patronage.

XII. And be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation or Person or Persons, or the Master and Fellows of any College, or the Master or Guardian of any Hospital, being, in his or their corporate Capacity, the Owner or Owners of any Lands, Tenements, or other Hereditaments whatsoever, and also being in his or their corporate Capacity the Patron or Patrons of any Church or Chapel, by a Deed duly executed, to annex such Lands, Tenements, or other Hereditaments, with the Appurtenances, unto such Church or Chapel, to the Intent and in order that the same Premises may be held and enjoyed by the Incumbent for the Time being thereof; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Such Annexations to be subject to prior Leases, and the Rents reserved upon the same, or some Portion thereof, to be determined by the Deed of Annexation.

XIII. Provided always, and be it further enacted, That in any Case in which any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, shall be annexed to any Church or Chapel, pursuant to either of the Powers herein-before in that Behalf contained, the Annexation thereof shall be subject and without Prejudice to any Lease or Leases which previously to such Annexation may have been made or granted of the same Premises or any Part thereof; provided also, that in every such Case any Rent or Rents which may have been reserved in respect of the said Premises in and by such Lease or Leases, or (in case any other Hereditaments shall have been also comprised in such Lease or Leases) some proportional Part of such Rent or Rents, such proportional Part to be fixed and determined in and by the Instrument by which the Annexation shall be made, shall during the Continuance of the said Lease or Leases be payable to the Incumbent for the Time being of the Church or Chapel to which the Premises shall be annexed as aforesaid; and accordingly such Incumbent for the Time being shall, during the Continuance of such Lease or Leases, have all the same Powers for enforcing Payment of the same Rent or Rents, or of such proportional Part thereof as aforesaid, as the Person or Persons or Body Politic by whom the Annexation shall have been made might have had in that Behalf in case the said Premises had not been annexed.

Provisions of 39 & 40 G. c. 41. to extend to such Annexations, in certain Cases.

XIV. And be it further enacted and declared, That where any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, which shall be annexed to any Church or Chapel under either of the Powers herein-before in that Behalf contained, or any Part thereof, shall have been anciently or accustomably demised with other Hereditaments in One Lease, under One Rent, or divers Rents issuing out of the Whole, and after such Annexation such other Hereditaments as aforesaid, or any Part thereof, shall be demised by a separate Lease or Leases, all the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for explaining and amending several Acts made in the Thirty-second Year of King* Henry *the Eighth, and the First, Thirteenth, and Fourteenth Years of the Reign of Queen* Elizabeth, *so far as respects Leases granted by Archbishops, Bishops, Masters, and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Masters and Guardians of Hospitals, and others, having any Spiritual or Ecclesiastical Living or Promotion*, shall apply and take effect in the same Manner as if the Premises which shall be so annexed as aforesaid had been retained in the Possession or Occupation of the Person or Persons by whom such Lease or Leases as aforesaid shall be made.

Certain Powers to apply to Persons entitled to alternate Presentation.

XV. And be it further enacted, That such of the Powers herein-before contained as are restricted to Cases in which the Corporation or Person by whom the same may be exercised shall be the Patron of the Benefice which it shall be intended or desired to augment, shall apply to and may be exercised in Cases in which such Corporation or Person shall be entitled only to the alternate Right of Presentation to such Benefice.

Benefices exceeding in yearly Value 300*l.* not to be raised, and all others to be limited.

XVI. Provided always, and be it further enacted, That the Power given by the said recited Act shall not at any Time hereafter, nor shall any of the Powers herein-before contained, in any Case, be exercised so as to augment in Value any Benefice whatsoever, which at the Time of the Exercise of the Power shall exceed in clear annual Value the Sum of Three hundred Pounds, or so as to raise the clear annual Value of any Benefice to any greater Amount than such Sum of Three hundred and fifty Pounds, or Three hundred Pounds, not taking account of Surplice Fees.

Power to determine the yearly Value of any Hereditaments for the Purposes of the Act.

XVII. And be it further enacted, That in every Case in which it shall be desired, upon the Exercise of any of the said Powers, to ascertain, for the Purposes of this Act, the clear yearly Value of any Benefice, or of any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, it shall be lawful for the Archbishop or Bishop of the Diocese within which the Benefice to be augmented shall be situate, or where the same shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then for the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong, to cause such clear yearly Value to be determined and ascertained by any Two Persons whom he shall appoint for that Purpose, by Writing under his Hand, (which Writing is hereby directed to be afterwards annexed to the Instrument by which the Power shall be

be exercised,) and a Certificate of such clear yearly Value, written or endorsed on the Instrument by which the Power shall be exercised, and signed by such Persons as aforesaid, shall for all the Purposes of this Act be conclusive Evidence of such clear yearly Value as aforesaid.

By whom the above-mentioned Powers may be exercised, and with whose Consent.

XVIII. Provided also, and be it further enacted, That in every Case in which the Power given by the said recited Act, or any of the Powers herein-before contained, (other than and except the aforesaid Power of deferring the Time at which an Augmentation is to take effect in Possession,) shall be exercised by any Bishop, Dean, Archdeacon, or Prebendary, or by the Master or Guardian of any Hospital, the same shall be so exercised in the Case of a Bishop, with the Consent of the Archbishop of the Province, or in the Case of a Dean, with the Consent of the Dean and Chapter, or in the Case of an Archdeacon or Prebendary, with the Consent of the Archbishop or Bishop to whose Jurisdiction or Controul they shall be respectively subject, or in the Case of the Master or Guardian of a Hospital, with the Consent of the Patron or Patrons, Visitor or Visitors (if any) of such Hospital, such Consent as aforesaid to be testified by the said Archbishop, Dean and Chapter, Bishop, or Patron or Patrons, Visitor or Visitors (as the Case may require), executing the Instrument by which the Power shall be exercised.

Incumbents not to exercise them.

XIX. Provided always, and be it further enacted, That the Incumbent of any Benefice or Living shall not be authorized to exercise any of the Powers aforesaid with respect to any Hereditaments to which he may be entitled in right of his Benefice.

Incumbent may annex Tithes, &c. to which he is entitled, arising out of the Limits of his Benefice, to the Church or Chapel of the Parish where they arise.

XX. Provided also, and be it further enacted, That where the Incumbent of any Benefice shall in right of the same be entitled to any Tithes or Portion of Tithes arising in any Parish or Place not being within the Limits of such Benefice, it shall be lawful for the Incumbent for the Time being of such Benefice, by a Deed duly executed by him, to annex such Tithes or Portion of Tithes as aforesaid, or any Part thereof, to any Church or Chapel within the Parish or Place in which such Tithes or Portion of Tithes shall arise, to the Intent that the same may be enjoyed by the Incumbent for the Time being of such Church or Chapel; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding: Provided always, that every such Annexation as aforesaid shall be made with the Consent of the Archbishop or Bishop of the Diocese within which the said Benefice shall be situate, (or if the said Benefice shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then with the Consent of the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong,) and also with the Consent of the Patron or Patrons of the said Benefice, such Consent to be testified by the said Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Annexation shall be made.

Power to Rectors or Vicars to charge their

XXI. And whereas it is expedient that Rectors and Vicars should be enabled, under proper Restrictions, to charge their Rectories and Vicarages for the Benefit and Support of Chapels of Ease situate within

within such Rectories and Vicarages, as also in certain other Cases; be it therefore further enacted, That it shall be lawful for any Rector or Vicar for the Time being of any Rectory or Vicarage, by a Deed duly executed by him, to annex to any Chapel of Ease or Parochial Chapel, or to any District Church or Chapel, or any Chapel having a District assigned thereto, whether already built or hereafter to be built, (such Chapel of Ease or other Chapel or Church, with the District or Place to which the same belongs, being situate within the Limits, or within the original Limits, of the said Rectory or Vicarage,) any Part or Parts of the Tithes or other annual Revenues belonging to such Rectory or Vicarage, or to grant to the Incumbent for the Time being of any such Chapel of Ease or other Chapel or Church, and his Successors, any annual Sum of Money, to be payable by equal quarterly or equal half-yearly Payments, and to charge the same on all or any Part of such Tithes or other Revenues as aforesaid, or on any Lands or other Hereditaments belonging to the said Rectory or Vicarage; and in every Case in which any such Tithes or other Revenues shall be annexed to any such Church or Chapel as aforesaid, the Incumbent for the Time being thereof shall thenceforth have all the same Remedies for recovering and enforcing Payment of the Premises which shall be so annexed as the Rector or Vicar for the Time being of the Rectory or Vicarage might have had if such Annexation had not been made; and in every Case in which any annual Sum of Money shall be so granted as aforesaid, the Incumbent for the Time being entitled thereto shall have all such Remedies for recovering and enforcing Payment thereof by Action of Debt against the Incumbent for the Time being of the said Rectory or Vicarage, or by Distress upon the Hereditaments to be charged therewith, or otherwise, as shall in that Behalf be specified and given by the Deed by which the Grant shall be made: Provided always, that every such Grant and Annexation shall be made with the Consent of the Archbishop or Bishop of the Diocese within which the Rectory or Vicarage shall be situate, (or if the Rectory or Vicarage shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then with the Consent of the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong,) and also with the Consent of the Patron or Patrons of the said Rectory or Vicarage, such Consent to be testified by the said Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Annexation or Grant shall be made.

Rectories and Vicarages for the Benefit of Chapels of Ease, &c.

XXII. And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Places*, Provision was made, under certain Restrictions, for enabling any Parish to be divided into Two or more distinct Parishes, and for apportioning in such Cases the Glebe Lands, Tithes, Moduses, or other Endowments between the respective Divisions; and it was thereby provided with respect to every such Case, that during the Incumbency of the existing Incumbent of the Parish every new Church intended as the Parish Church of any Division intended to become a distinct Parish should remain a Chapel of Ease; be it further enacted, That the Power last herein-

Exception to the preceding Power.
58 G. 3. c. 45.

before contained shall not be exercised for the Purpose of making an Annexation or Grant to any Chapel of Ease situate within any Division which under the Provisions of the said last-recited Act shall be intended to become a distinct Parish.

Manner in which Consent to the Exercise of Powers in this Act shall be testified, where Patronage of Benefice is in the Crown;

XXIII. And be it further enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patronage of such Benefice shall be in the Crown, the Consent of the Crown to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the King's Books the Instrument by which the Power shall be exercised shall be executed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the King's Books such Instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the Time being; and if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster* such Instrument shall be executed by the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

where Patron is an incapacitated Person;

XXIV. And be it further enacted, That in any Case where the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian or Guardians, Committee or Committees, or Husband of such Patron (but in case of a Feme Covert with her Consent in Writing) to execute the Instrument by which such Power shall be exercised, in testimony of the Consent of such Patron; and such Execution shall for the Purposes of this Act be deemed and taken to be an Execution by the Patron of the Benefice.

where Patronage is Part of the Possessions of the Duchy of Cornwall.

XXV. And be it further enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent of the Patron of such Benefice to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) the Instrument by which the Power shall be exercised shall be executed by the Duke of *Cornwall* for the Time being, if of full Age, but if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Cornwall* such Instrument shall be executed by the same Person or Persons who is or are by this Act authorized to testify the Consent of the Crown to the Exercise of any Power given by this Act in respect of any Benefice in the Patronage of the Crown; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

Instruments to be deposited in the Registry of the Diocese.

XXVI. Provided always, and be it further enacted, That in every Case in which the Power given by the said recited Act of the Twenty-ninth Year of the Reign of King *Charles* the Second, or any of the Powers herein-before contained, shall be exercised, the Instrument by which the same shall be so exercised shall within Two Calendar Months after the Date of the same be deposited in the Registry of the Diocese within which the Benefice augmented or otherwise benefited shall be locally situate, or where the same shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then in the Registry of such Peculiar Jurisdiction.

Office Copies of Instruments deposited in the Registry to be Evidence.

Fee to the Registrar.

XXVII. And be it further enacted, That an Office Copy of any Instrument which under the Provisions of this Act shall be deposited in any such Registry as aforesaid (such Office Copy being certified by the Registrar or his Deputy) shall be allowed as Evidence thereof in all Courts and Places, and every Person shall be entitled to require any such Office Copy, and shall also be allowed, at all usual and proper Times, to search for and inspect any Instrument which shall be so deposited, and the Registrar shall be entitled to the Sum of Five Shillings and no more for depositing any such Instrument as aforesaid, and to the Sum of One Shilling and no more for allowing any such Search or Inspection as aforesaid, and to the Sum of Sixpence and no more (besides Stamp Duty) for every Law Folio of Seventy-two Words in any Office Copy to be made and to be certified as aforesaid.

Extent of the Word "Benefice" in this Act.

XXVIII. And be it further enacted, That the Word "Benefice" in this Act shall be construed and taken to comprehend Rectories, Vicarages, Donatives, Perpetual Curacies, Parochial and Consolidated Chapelries, District Parishes and District Chapelries, and Churches and Chapels having a District assigned thereto.

Act to apply to all Heads of Colleges, under whatever Denomination.

XXIX. And be it further enacted, That the Powers by this Act given to the Master and Fellows of any College shall apply to Cases in which the Head of the College shall be called the Warden, Dean, Provost, President, Rector, or Principal thereof, or shall be called by any other Denomination, and that such Powers shall extend to every College and Hall in the Universities of *Oxford* and *Cambridge*, and to the Colleges of *Eton* and *Winchester*.

To extend to England and Wales.

XXX. Provided also, and be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*.

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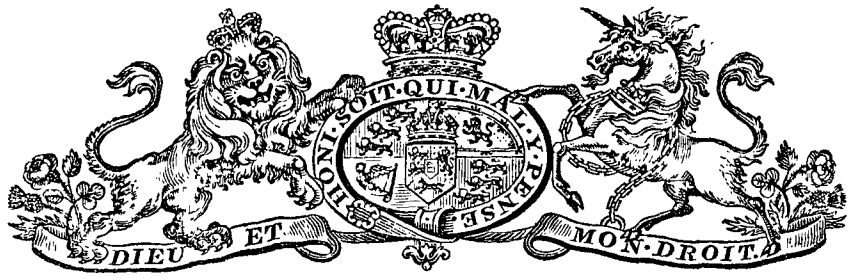

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLVI.

An Act to allow the Importation of Lumber, and of Fish and Provisions, Duty-free, into the Islands of *Barbadoes* and *Saint Vincent*; and to indemnify the Governors and others for having permitted the Importation of those Articles Duty-free.

[15th *October* 1831.]

WHEREAS the Islands of *Barbadoes* and of *Saint Vincent* in the *West Indies* have recently been visited with a most violent and destructive Hurricane, whereby the Inhabitants of those Islands have experienced very great Distress, in consequence of which it is deemed expedient to permit, for a limited Time, the Importation into those Islands of Lumber, and of Fish and Provisions, Duty-free: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, Lumber, and of Fish and Provisions, shall and may be imported into the said Islands respectively, Duty-free, until the First Day of *January* One thousand eight hundred and thirty-two.

Lumber, &c. may be imported Duty-free.

II. And be it further enacted, That the Governors, and Collectors and other Officers of the Customs in the said respective Islands, and all Persons whatever acting or having acted under their Orders and Directions,

Governors, and Collectors, &c. of the Customs, indemnified.

Directions, shall be and are hereby indemnified for any Orders which they may have respectively given upon or after the Days on which the Hurricane in the said respective Islands took place, by reason of which the Duty that was then legally due and payable on the Importation into those Islands of Lumber and *American* Flour ceased to be levied and collected, and for any Omission on their Parts to cause such Duty to be levied and collected since such Days.

Act may be continued by Order in Council.

III. And be it further enacted, That it shall be lawful for His Majesty, by Order in Council, to continue in force the Provisions of this Act until the First Day of *March* One thousand eight hundred and thirty-two.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLVII.

An Act to revive, for One Year, Three Acts made in the Forty-seventh and Fiftieth Years of the Reign of His Majesty King *George* the Third, and in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, for the preventing improper Persons from having Arms in *Ireland*, and to indemnify such Persons as may have acted in the Execution of and pursuant to the Provisions of the said Acts since the Expiration thereof. [15th *October* 1831.]

WHEREAS an Act was made in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent improper Persons from having* 47G.3.Sess.2. c. 54.
Arms in Ireland, to continue in force for a certain Period therein mentioned; and the said Act was, by an Act made in the Fiftieth 50G.3.c.109.
Year of His said Majesty's Reign, continued and amended: And whereas, by an Act made in the Fourth Year of the Reign of His 4G.4.c.14.
late Majesty King *George* the Fourth, the said recited Acts of the Forty-seventh and Fiftieth Years of the Reign of His Majesty King *George* the Third were further continued; and the said Acts were, by an Act made in the Tenth Year of the Reign of His said late 10G.4.c.47.
Majesty King *George* the Fourth, further amended and continued until the End of the last Session of Parliament, when the same

 expired;

expired; and it is expedient that the said Acts should be revived, and that the ill Consequences arising from the Expiration thereof should be remedied: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Forty-seventh Year of the Reign of His Majesty King *George* the Third, as the said Act is amended by the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third and by the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be and the said Acts are hereby revived, and shall be and remain and continue in force from the passing of this Act for One Year; and that all Acts, Matters, and Things done and committed at any Time since the End of the last Session of Parliament, and which could or might have been done pursuant to or under Authority thereof, if the same had not expired, shall be and be deemed to be as good, valid, and effectual to all Intents and Purposes whatsoever as if the same had not expired.

Recited Acts, 47G.3.Sess.2. c.54. 50G.3.c.109. and 10 G. 4. c. 47. revived and continued for One Year.

II. And be it further enacted, That all personal Actions, Suits, Indictments, Informations, and Prosecutions heretofore brought, commenced, preferred, exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all Judgments thereupon obtained, if any such there be, and all Proceedings whatsoever, against any Person or Persons for or on account of any Act, Matter, or Thing by him or them done, committed, or directed to be done, since the Expiration of the said recited Acts, and which it would have been lawful and competent for him or them to have done, committed, or directed to be done if the said recited Acts had not expired, shall be discharged and made void; and that every Person or Persons by whom any such Act, Matter, or Thing shall have been done, committed, or directed to be done, shall be freed, acquitted, discharged, and indemnified, as well against the King's Majesty, His Heirs and Successors, as against all and every other Person or Persons whomsoever.

Actions brought for any Matter done, which might have been done if the said recited Acts had not expired, shall be discharged, and Persons indemnified.

III. And be it further enacted, That if any Action or Suit hath been or shall be brought, commenced, or had in any Court in *Ireland*, against any Person or Persons for or on account of any such Act, Matter, or Thing as aforesaid, he or they may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs shall become Nonsuit, or forbear further Prosecution, or suffer a Discontinuance in any such Action or Suit, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, the Defendant or Defendants shall have and be entitled to Double Costs, for which he or they shall have the like Remedy as in other Cases in which Costs by Law are given to the Defendants.

Defendants may plead the General Issue, and give this Act in Evidence, and have Double Costs.

IV. And be it enacted, That if any Action, Suit, Indictment, Prosecution, or Proceeding hath been or shall be brought, commenced, preferred, exhibited, or had in any Court against any Person or Persons for or on account of any such Act, Matter, or

Court (or a Judge if the Court is not sitting) on Application of Defendant

Thing as aforesaid, it shall be lawful for the Defendant or Defendants in any such Action, Suit, Indictment, Information, Prosecution, or Proceeding, or for any of them, to apply by Motion, Petition, or otherwise, in a summary Way, to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited, or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any One of the Judges or Justices of such Court, to stay all further Proceedings in such Action, Suit, Indictment, Information, Prosecution, or Proceeding; and such Court, or any Judge or Justice thereof when the said Court shall not be sitting, is hereby authorized and required to examine the Matter of such Application, and upon Proof by the Oath or Affidavit of the Person or Persons making such Application, or any of them, or other Proof to the Satisfaction of such Court, Judge, or Justice, that such Action, Suit, Indictment, Information, Prosecution, or Proceeding is brought, commenced, preferred, exhibited, or had for or on account of any such Act, Matter, or Thing as aforesaid, to make an Order for staying Execution and all other Proceedings in such Action, Suit, Indictment, Information, Prosecution, or Proceeding, in whatever State the same shall or then may be, and although Judgment shall have been entered up of Record or given, or any Writ of Error or Appeal shall have been brought or made or shall be depending therein; and the Court or the Judge or Justice making such Order for Stay of Proceedings in any Action or Suit as aforesaid shall also order unto the Defendant or Defendants, and he and they shall have and be entitled to, Double Costs for all such Proceedings as shall be had or carried on in any such Action or Suit after the passing of this Act, and for which Costs he and they shall have the like Remedy as in Cases where Costs are by Law given to Defendants: Provided always, that it shall be lawful for any Person or Persons, being a Party or Parties to any such Action, Suit, Indictment, Information, Prosecution, or other Proceeding, to apply by Motion, Petition, or otherwise, in a summary Way, to the Court in which the same shall have been brought, commenced, preferred, exhibited, or had, or shall be depending, to vacate, discharge, or set aside any Order made by any Judge or Justice of that Court for staying Proceedings or for Payment of Costs as aforesaid, so as such Application be made within the first Four Days on which such Court shall sit next after the making of any such Order by any Judge or Justice as aforesaid; and such Court is hereby required to examine the Matter of such Application, and to make such Order therein as if the Application had been originally made to the said Court; but nevertheless in the meantime and until such Application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, or set aside or reverse the Order made by any such Judge or Justice as aforesaid, the same shall continue in full Force to all Intents and Purposes whatsoever.

may stay Proceedings and give Double Costs.

Court may, on Application of any Party to such Action, set aside or reverse Order of Judge made out of Court.

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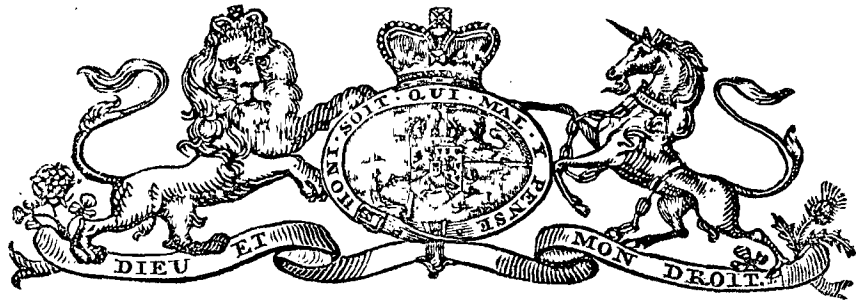

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLVIII.

An Act to amend an Act passed in the Parliament of *Ireland* in the Fifth Year of His Majesty King *George* the Third, for establishing Public Hospitals in *Ireland*. [15th *October* 1831.]

WHEREAS by an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the several Laws relating to Prisons, and for re-enacting such of the Provisions thereof as have been found useful, with Amendments*, certain Powers were vested in the Commissioners therein mentioned for the Valuation of Premises intended for the Sites of Gaols, as in the said Act mentioned; and which Act was amended by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland: And whereas by an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more effectual Provisions for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences, in* Ireland, the Powers and Provisions of the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third were extended to the Valuation of Sites for Lunatic Asylums in *Ireland*: And whereas it is expedient to extend the Provisions of the said recited Acts to the Valuation of Premises for the several Infirmaries and Hospitals established or regulated by Authority of Parliament in *Ireland*; be it therefore

50 G. 3. c. 103.

7 G. 4. c. 74.

1 & 2 G. 4. c. 33.

 enacted

enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every of the Powers and Provisions vested in the Commissioners for building Gaols in *Ireland* by the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third, and by the said recited Act of the Seventh Year of His late Majesty King *George* the Fourth, and that all the Powers vested in the Commissioners for the Establishment of Lunatic Asylums in *Ireland* by the said recited Act of the First and Second Years of the Reign of His said late Majesty King *George* the Fourth, shall be and are hereby vested in the Governors of the several Infirmaries and Hospitals of the several Counties and Counties of Cities and Towns in *Ireland*, so far as the same relate to the holding the Court, issuing Warrants or Precepts for Juries, and to the Valuation of the Lands, Tenements, and Hereditaments on the Site of which any Infirmary or Hospital shall or may have been or may be erected, regulated, or incorporated under and by virtue of any Act in force in *Ireland*, or which may be required for any Addition to such Infirmary or Infirmaries or Hospital or Hospitals, or to the Yards or Grounds surrounding or adjoining the same, and that all the Provisions as to Notices, Proceedings, Verdicts, Judgments, Conveyances, and Inrolments, and all other Matters relating to the Valuation of Premises in the said recited Acts mentioned, shall be held to apply to the Valuation of Lands, Tenements, or Hereditaments for the Sites or Additions of and to such Infirmaries and Hospitals; and such Verdicts, Judgments, and Conveyances shall be binding and conclusive to all Intents and Purposes whatsoever.

Powers vested in Commissioners for building Gaols, and in Commissioners of Lunatic Asylums, vested in the Governors of the Infirmaries and Hospitals.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XLIX.

An Act to repeal so much of an Act passed in *Ireland* in the Fourth Year of King *George* the First, for the better regulating the Town of *Galway*, and for strengthening the Protestant Interest therein, as limits the Franchise created by the said Act to Protestants only. [15th *October* 1831.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Fourth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better regulating the Town of* Galway, *and for strengthening the Protestant Interest therein*, whereby it is amongst other things enacted, that all and every Person and Persons who profess him or themselves of any Trade, Mystery, or Handicraft, that do or shall come to inhabit, dwell, or reside in the said Town of *Galway*, in order to follow their respective Trades, shall and he and they are thereby declared to be free of the Town and Corporation of *Galway*, and also of that Company and Corporation to which their respective Trades belong, without paying any thing for their Freedom; and it is thereby further enacted, that such Person or Persons shall continue Freemen of such Corporation or Company as long as he or they inhabit or dwell in the said Town, and no longer, and shall be exempted and freed from all Corporation Taxes and Fines for not serving as Beadle, for the Space of Seven Years next after his or their coming to inhabit in the

4 G. 1. c. 15. s. 5. (I.)

4 G. 1. c. 15. s. 6. (I.) the said Town: And whereas it is by the said recited Act of the Parliament of *Ireland* further provided, that no Person or Persons are to have the Benefit of their Freedoms aforesaid unless he or they have been professed Protestants for Seven Years or upwards next before his or their demanding their Freedoms pursuant to the said Act, and shall also take the usual Oaths of Freemen, and also the Oaths of Allegiance, Supremacy, and Abjuration, and make and subscribe the Declaration commonly called the Declaration against Transubstantiation, before the Mayor of the Town: And whereas by an Act passed in the Parliament of the United Kingdom in the 10 G. 4. c. 7. Tenth Year of the Reign of His late Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*, after reciting that by various Acts of Parliament certain Restraints and Disabilities were imposed on the Roman Catholic Subjects of His Majesty, to which other Subjects of His Majesty were not liable, and that it was expedient that such Restraints and Disabilities should be thenceforth discontinued; and after reciting further, that by various Acts certain Oaths, and certain Declarations, commonly called the Declaration against Transubstantiation, and the Invocation of Saints, and the Sacrifice of the Mass, as practised in the Church of *Rome*, are or may be required to be taken, made, and subscribed by the Subjects of His Majesty, as Qualifications for sitting and voting in Parliament, and for the Enjoyment of certain Offices, Franchises, and Civil Rights; it was enacted, that from and after the Commencement of the said recited Act of the Parliament of the United Kingdom all such Parts of the said Acts as require the said Declarations or either of them to be made or subscribed by any of His Majesty's Subjects as a Qualification for sitting and voting in Parliament, or for the Exercise or Enjoyment of any Office, Franchise, or Civil Right, be and the same were (save as in the said Act thereafter provided and excepted) thereby repealed: And whereas it is expedient, in conformity to the Provisions of the said recited Act of the Parliament of the United Kingdom, to amend the said recited Act of the Parliament of *Ireland* so as to place the Roman Catholics of the Town of *Galway* on an Equality with His Majesty's other Subjects as regards the Freedom of the said Town and Corporation of *Galway*, and of any Company and Corporation therein; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act of the Parliament of *Ireland* as requires that Persons claiming their Freedom, or being admitted thereunto under the said Act, shall have been professed Protestants for Seven Years or upwards next before their claiming their Freedom, shall be and the same is hereby repealed.

So much of recited Act of 4 G. 1. as relates to Persons claiming their Freedom, repealed.

Oaths to be taken by Persons on taking their Freedom.

II. Provided always, and be it further enacted, That from and after the passing of this Act every Roman Catholic who shall at any Time claim or be admitted to the Freedom of the said Town and Corporation of *Galway*, or of any Company or Corporation therein, under the Provisions of the said recited Act of the Parliament of *Ireland*, shall, in addition to the usual Oaths of a Freeman, take the

Oath set forth in the said recited Act of the Parliament of the United Kingdom; and that the said last-mentioned Oath, which the Mayor of the said Town of *Galway* is hereby empowered and required to administer, shall be taken instead of the Oaths of Allegiance, Supremacy, and Abjuration, and of the Declaration against Transubstantiation, required by the said recited Act of the Parliament of *Ireland*.

Empowering Roman Catholics to take up their Freedom,&c.

III. And be it further enacted, That every Roman Catholic Subject of His Majesty, who under the said herein-before recited Act of the Parliament of *Ireland* would have been, at or before the passing of this Act, entitled to the Freedom of the Town and Corporation of *Galway*, had he been a professed Protestant as aforesaid, shall from and after the passing of this Act be deemed and taken to be entitled thereto without taking or subscribing the Oaths of Allegiance and Abjuration, or making and subscribing the Declaration against Transubstantiation, but shall, instead of the said Oaths and Declaration, take and subscribe the said Oath set forth in the said Act of the Parliament of the United Kingdom, before the Mayor of the said Town of *Galway*, who is hereby empowered and required to administer the same.

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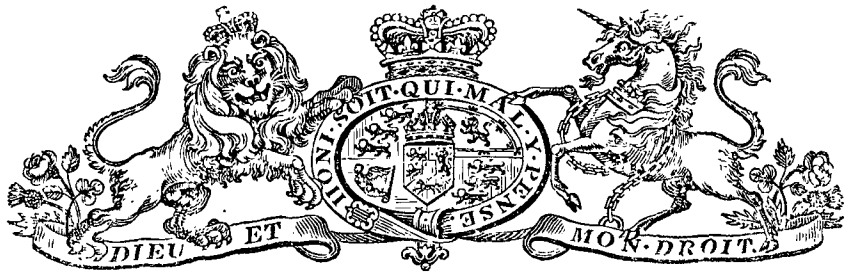

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. L.

An Act to enable the Commissioners of His Majesty's Treasury to make a Conveyance of *Fresh Wharf* in the City of *London*. [15th *October* 1831.]

WHEREAS under and by virtue of certain Acts passed in the Thirty-ninth and Fortieth, Forty-third, Forty-sixth, Forty-seventh, and Fifty-second Years of the Reign of His Majesty King *George* the Third, the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury were empowered to purchase the Legal Quays, Warehouses, Buildings, and other Hereditaments therein mentioned situate between *London Bridge* and the *Tower*: And whereas the Hereditaments known as *Fresh Wharf*, with the Appurtenances, and described in the First Schedule annexed to this Act, are Part of the said Quays and Buildings authorized to be purchased by the said Acts: And whereas under and by virtue of the said Acts or One of them the said Premises called *Fresh Wharf*, described in the said First Schedule, with the Hereditaments and Appurtenances thereto belonging, were purchased by the then Lords Commissioners of His Majesty's Treasury, and the Values of the same Premises, subject to the Rent Charge or Fee Farm Rent mentioned in the Second Schedule annexed to this Act, were assessed and awarded by Juries, in pursuance of the said Acts, and paid to the Persons entitled thereto respectively, and the said Premises were conveyed to the said Lords Commissioners of His Majesty's Treasury, subject to the said Rent Charge or Fee Farm Rent described in the said Second Schedule annexed to this Act: And whereas the

said Premises are also subject to the Leases described in the said Second Schedule annexed to this Act: And whereas the Title Deeds of the said Estate were burnt at the Destruction of the Custom House in the City of *London* by Fire in the Month of *February* One thousand eight hundred and fourteen: And whereas in consequence of the Destruction of the said Title Deeds, and of the Alterations which have been made in the Boundaries of the said Premises, it is impossible to shew a satisfactory Title thereto; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if any Person or Persons shall contract and agree, or shall have contracted and agreed, with the Commissioners of His Majesty's Treasury, for the Purchase, Sale, or Disposal of the said Quay or Wharf called *Fresh Wharf*, described in the First Schedule to this Act annexed, with its Hereditaments and Appurtenances, or any Part thereof, it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, for the Time being, or any Three or more of them, by an Indenture or Indentures under their Hands and Seals, to convey and assure the said Premises or any Part thereof to any Person or Persons who shall agree or who shall have agreed for the Purchase, Sale, or Disposal of the same, or in such Manner as such Person or Persons shall direct, without being required to produce any other Title to the said Premises than such Conveyance or Assurance as aforesaid; and such Conveyance or Assurance shall be a sufficient Title to the same Premises, and by force of this Act shall effectually vest in the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, or the Person or Persons to whom he, she, or they shall direct the same to be conveyed, the Fee Simple and Inheritance of the same Premises, free from all Estates, Rights, and Incumbrances whatsoever, except the Rent Charge or Fee Farm Rent and Leases described in the said Second Schedule to this Act annexed, and the same Rent Charge or Fee Farm and Leases shall be and continue in force and effect in the same Manner as if this Act had not been made.

Commissioners of the Treasury empowered to convey the Premises described in the First Schedule to this Act.

II. And be it further enacted, That all and every other Rent or Rents, Charge or Charges, or other Monies or Incumbrances whatsoever, which before the passing of this Act was or were issuing out of or in any Manner chargeable upon the said Hereditaments known as *Fresh Wharf*, (if any such there be,) shall from and after the passing of this Act be charged upon and issued and paid out of the consolidated Duties of Customs, and by or by the Order of the Commissioners of that Revenue for the Time being.

Rents, &c. heretofore chargeable on the Premises to be payable out of the Customs.

The FIRST SCHEDULE to which this Act refers.

ALL that Piece or Parcel of Ground on the South Side of Lower Thames Street in the City of London, together with the Warehouses, Six Stories high, erected and built and now standing and being thereon, and which said Warehouses abut towards the North on Lower Thames Street aforesaid, the South on the uncovered Ground or Quays forming other Part of Fresh Wharf, towards the East partly on Warehouses the Property of John Thomas Bell Esquire, partly on the Gateway herein-after mentioned, and partly on a small Piece of Ground lying in front of the said Warehouses of the said John Thomas Bell, and being Part of the said uncovered Ground or Quays, and towards the West partly on Saint Magnus Church and the Burial Ground adjoining thereto, and partly on the Piece or Parcel of Ground called the Campshod or Campshot, herein-after more particularly described; and the said Warehouses contain in front from East to West on the North Side thereof Thirty-one Feet Eleven Inches of Assize or thereabouts, and from East to West on the Rear or South Side thereof One hundred and eight Feet Three Inches of Assize or thereabouts, and in Depth from North to South, beginning at the North-east Corner, Twenty-seven Feet, then turning Eastward Seven Feet Eleven Inches, thence continuing Southward Forty-nine Feet Seven Inches, then continuing Eastward to the said Gateway Sixteen Feet Three Inches, then continuing South Fifty-one Feet, then turning Eastward again across the Gateway, up to the small Piece of Ground lying in front of the Warehouses of the said John Thomas Bell, Forty-three Feet Nine Inches, and therefrom continuing Southward to other Part of the said uncovered Ground or Quays Twenty-two Feet Six Inches, and on the West Side thereof, from the North-west Corner, Sixty-nine Feet Three Inches, then turning Westward Twenty-seven Feet, then continuing again Southward Thirty-three Feet Nine Inches, then turning Eastward Nine Feet, and continuing again Southward Twenty-five Feet Seven Inches, up to the South-west Corner or Rear of the said Warehouses in Thames Street aforesaid: And also all that Piece or Parcel of Ground of an irregular triangular Shape, commonly called or known by the Name of the Campshod or Campshot, with a Shed erected and built on the Eastern Side thereof, and which said Piece or Parcel of Ground is wrought, fortified, and made strong with Timber and Timber Works and other Materials set and placed in the River Thames, to protect the same against the working and undermining of the Waters of the said River, and abuts towards the East partly on the said Warehouses in Thames Street, and partly on the Quays, Cranehouses, and Offices herein described, towards the South and West on the River and London Bridge, towards the North partly on the said Warehouses in Thames Street and

partly

partly on the said Burial Ground and on the Vestry Room adjoining to Saint Magnus Church aforesaid, and contains in Length from East to West on so much of the North Side thereof as abuts on the said Warehouses Nine Feet of Assize or thereabouts, and on so much of the said North Side as abuts on the said Burial Ground Twenty-nine Feet of Assize or thereabouts, and on so much of the North Side as abuts on the said Vestry Room Thirty-one Feet of Assize or thereabouts, and in Depth from North to South adjoining the said Warehouses, Cranehouses, and Offices, Sixty-five Feet of Assize or thereabouts, and on the West End thereof next to London Bridge Two Feet Six Inches of Assize or thereabouts, be the said several Dimensions respectively little more or less: And also all that Piece or Parcel of Ground forming the Gateway or Passage from Lower Thames Street aforesaid to the other Parts of Fresh Wharf, and containing the several Dimensions following; that is to say, being in Width at the North End thereof in Thames Street aforesaid Eleven Feet Six Inches or thereabouts, and continuing thence Southward of the Average Width of Eleven Feet or thereabouts to the Extent of Thirteen Feet Six Inches, then narrowing to the average Width of Ten Feet or thereabouts to the Extent of Fifty-two Feet Six Inches, then increasing to the average Width of Twenty-three Feet or thereabouts to the Extent of Twenty Feet, and then narrowing again to the average Width of Ten Feet or thereabouts to the Extent of Thirty-seven Feet, and then increasing again to the Width of Twenty-six Feet or thereabouts to the Extent of Eight Feet, and then narrowing again to the average Width of Fifteen Feet or thereabouts to the Extent of Seventeen Feet, to the Rear or South Side of the said Warehouses in Thames Street aforesaid: And also all the said uncovered Ground or Quays extending from the Rear of the said Warehouses in Thames Street aforesaid Southward to the River Thames, abutting towards the North partly on the said Warehouses in Thames Street, partly on the said Gateway, and partly on the said Warehouses of the said John Thomas Bell, towards the East on Cox's Quay and Warehouses appertaining thereto, and towards the West on the said Piece or Parcel of Ground called the Campshod or Campshot, and towards the South on the River Thames, together with the Cranehouses, Offices, and Appurtenances erected in front and across the West End of the said uncovered Ground or Quays next the River Thames, and which said uncovered Ground or Quays, together with the said Cranehouses, Offices, and Appurtenances, contain together the several Dimensions following; that is to say, Southwards towards the said River One hundred and fifteen Feet or thereabouts, at the West End Thirty-nine Feet Six Inches, on the North Side along the Rear or South Side of the said Warehouses in Thames Street aforesaid One hundred and eight Feet Three Inches, then turning Northward in front of the said Warehouses of the said John Thomas Bell Nineteen Feet, thence continuing Southward Seven Feet Three Inches, and in Length at the East End Sixty-three Feet Eight Inches, be the said several Dimensions respectively little more or less.

The SECOND SCHEDULE to which this Act refers.

A Rent Charge or Fee Farm Rent of Twenty-four Pounds per Annum payable to the Merchants Tailors Company.

Seventeenth Day of October One thousand eight hundred and sixteen.

INDENTURE of Lease between the Right Honourable Robert Banks Jenkinson Earl of Liverpool, the Right Honourable Nicholas Vansittart, the Right Honourable Vesey Fitzgerald, the Right Honourable Berkley Paget, the Right Honourable William Lowther commonly called Viscount Lowther, and the Right Honourable Charles Grant the younger, being the Right Honourable the Lords Commissioners of His Majesty's Treasury for the Time being, of the one Part, and William M'Andrew and William Peter M'Andrew of Lower Thames Street, London, Orange Merchants and Copartners, then carrying on Business under the Firm of William M'Andrew and Son, of the other Part, whereby the said Lords Commissioners did grant, demise, and lease unto the said William M'Andrew and William Peter M'Andrew all that Messuage or Tenement situate, standing, and being in Thames Street, in the Parishes of Saint Magnus the Martyr and Saint Botolph Billingsgate, one or both of them, in the City of London, formerly in the Possession of Edward Spencer Field, afterwards in the Possession of the said William M'Andrew, and then of the said William M'Andrew and William Peter M'Andrew, abutting as therein mentioned, and also all that Way or Passage under Part of the same Premises, and all that Warehouse, consisting of the Ground Floor, with the Cellar underneath, Part of the same, then in the Occupation of Messieurs Elkins, Watson, and Jackson, and also a Slip over the Cellar or Passage there; to hold the same Premises unto the said William M'Andrew and William Peter M'Andrew, their Executors, Administrators, and Assigns, from the Twenty-fifth Day of December One thousand eight hundred and thirteen, for the Term of Twenty-one Years, at the yearly Rent of One hundred and ten Pounds; on the Site of the Premises demised by which Indenture of Lease the said Warehouses in Thames Street in the foregoing Act mentioned partly stand.

Sixth Day of June One thousand eight hundred and twenty-three.

INDENTURE of Lease between George Dalavaud of His Majesty's Custom House in the City of London, Esquire, Secretary to the Honourable the Commissioners of His Majesty's Customs, of the one Part, and John Knill of Pudding Lane, in the City of London, Fruit Broker, of the other Part, whereby the said George Dalavaud did demise and lease unto the said John Knill, his Executors, Administrators, and Assigns, all that Wharf, Piece or Parcel of Land or

Ground, commonly called or known by the Name of Fresh Wharf, or otherwise, with the Quays, Warehouses, Sheds, Cranes, Lofts, and Counting-houses thereupon erected and built, or thereunto belonging, as the same were situate, standing, lying, and being in the Parishes of Saint Botolph by Billingsgate and Saint Magnus the Martyr in the City of London, and were abutted and bounded as therein mentioned, with the Appurtenances, except as therein mentioned; to hold the said Premises unto the said John Knill, his Executors, Administrators, and Assigns, from the Twenty-fifth Day of December One thousand eight hundred and twenty-two, for the Term of Eighteen Years and One Quarter of another Year, at the yearly Rent of One thousand five hundred and fifty-five Pounds.

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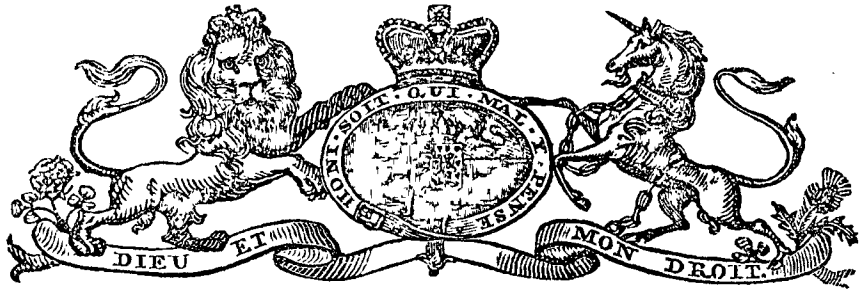

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LI.

An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for making Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in *Ireland*, for the Purpose of the more equally levying of the Rates and Charges upon the same. [20th *October* 1831.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in* Ireland, *for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively*, whereby, after reciting that a general Survey of *Ireland* was then in progress, Provision was made for an uniform Valuation, consequent upon such Survey, of the several Baronies and other Divisions of Land within the several Counties of *Ireland* liable to be separately assessed to raise and pay any Proportion of County Cess Charges and Grand Jury Rates: And whereas it is not expedient or necessary for the Purposes of the said recited Act to include, in the Valuation to be made thereunder, Houses of a perishable Nature and inconsiderable Value, nor such Houses, Buildings, 7 G. 4. c. 62.

ings, and Tenements as by Law or Usage may be or ought to be exempted from Assessment for County or Parochial Rates; and it is expedient to amend the said Act in certain other Particulars: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no House for which a greater Sum or Rent by the Year than Three Pounds could not be obtained, or which may not be of a greater annual Value than Three Pounds, shall be included in the Valuation to be made under Authority of the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, any thing in the said Act contained to the contrary notwithstanding.

Houses under the Value of 3*l.* exempted from Valuation.

II. And be it further enacted, That, in making the Valuation by the said recited Act directed and authorized, all Outbuildings, Barns, Stables, Warehouses, Yards, and Offices belonging or contiguous to any House, and occupied therewith by one and the same Person or by the same Persons, or his or their Servants, as one entire Concern or undivided Tenancy or Holding, shall be valued together with such House, and be for the Purposes of the said Act and of this Act deemed and taken to be Parcel thereof.

All Outbuildings and Appurtenances to be valued together with the House to which they belong.

III. And be it further enacted, That no Houses, Lands, or Tenements which by any Law or Usage have been heretofore exempted from Applotment or Assessment for or towards Cesses or Rates imposed by or under Grand Jury Presentment, shall be included in the Valuation by the said recited Act authorized and directed to be made: Provided nevertheless, that the Committee of Appeal and Committee of Revision respectively in each County shall, as hereinafter provided, have Power and Authority to consider and determine the Justice and Propriety of all such Exemptions, and to make Order allowing or disallowing the same accordingly.

Houses, &c. heretofore exempt from Applotment not to be valued.

Committees of Appeal and of Revision to determine Exemptions.

IV. And in order to ascertain the Houses, Lands, and Tenements exempt from Assessment as aforesaid, be it further enacted, That the several High Constables or other Collectors of County Cess in every County shall, with all convenient Speed after the same shall have been demanded of them, make out and deliver to the Commissioner of Valuation for such County a Return of the several Houses, Lands, and Tenements, within their respective Districts of Collection, whereon or in respect whereof no Applotment or Assessment was made of or towards raising the last previous Charge or County Cess applotted and levied within such District; and such Return shall specify the Tenancy and Occupation in which each of such Houses, Lands, or Tenements may be or have been held, and the Use or Purpose to which applied, and the Grounds or Reason for the Exemption thereof from Assessment, and shall describe the Situation thereof as fully and accurately as may be possible; and in case any High Constable or Collector shall neglect to make such Return as aforesaid, or make the same in an improper or insufficient Manner, it shall not be lawful to or for the Grand Jury for which he may act to make any Presentment for Fee or Salary for such High

High Constables, &c. to make Returns to Commissioner of Valuation respecting Exemptions.

Constable or other Collector at the Assizes next ensuing such Neglect or Default.

Appeal may be made against Exemption or Non-exemption, as on any other Ground, and Committees of Appeal and of Revision may amend the Valuation in this as in other respects.

V. Provided always, and be it further enacted, That it shall and may be lawful for any Select Vestry, holden and constituted as by the said recited Act provided, to appeal against any Valuation contained in any Table or List prepared under Authority of such Act, on the Ground of the Exemption or Non-exemption from Valuation of any Houses, Lands, or Tenements, whether situate in the Parish or Townland wherein such Vestry may be holden, or in any other Parish or Townland of the same Barony; and that such Appeal shall be determined upon, and a Memorandum of the Agreement so to appeal made, and like Notice thereof given, as in case of Appeal on any other Ground; and that the Committee of Appeal constituted according to the Provisions of the said Act shall have like Power and Authority to deal therewith, and to send for and examine Witnesses, and administer Oaths or Affirmations, under and subject to the like Pains and Penalties for Perjury committed therein, as in Cases of Appeal on any other Ground whatever; and such Committee shall direct the Amendment of the said Valuation, or confirm the same, as they shall be of opinion that the Houses, Lands, or Tenements in respect whereof such Appeal may have been made may be by Law, or ought to be, exempted from or included in such Valuation; and the Committee of Revision in every County constituted under Authority of the said recited Act shall afterwards and in like Manner have Power and Authority to inquire into and determine the Justice and Propriety of all such Exemptions as aforesaid, and to allow or disallow the same, and to amend, if need be, the Valuation of any Barony accordingly.

After the End of the Assizes next ensuing the Publication of the Valuation all Charges and Rates shall be levied according to the Proportions of that Valuation.

VI. And be it further enacted, That from and after the End of the Assizes next ensuing the Day on which such List and Valuation for any County, as in the said recited Act is specified, and so signed as therein, shall be published in the *Dublin Gazette*, all County Cess Charges whatsoever, and all Grand Jury Rates imposed or to be imposed on any such County by Presentments of the Grand Jury, or to be raised off such County, or any Barony, Parish, or Division thereof, and all Parish Rates imposed or to be imposed or levied or to be levied under the Authority of any Act or Acts of Parliament, shall be assessed and levied off such County, and off every Barony, Parish, Townland, or other Division therein, according to the Proportions specified in such List and Valuation so published, and not otherwise, any Law, Statute, Usage, or Custom, or any former Assessment or Valuation, to the contrary in anywise notwithstanding.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LII.

An Act to repeal an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, to provide for the more speedy Examination, controuling, and finally auditing the Military Accounts of *Ireland*.

[20th *October* 1831.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more speedy Examination, controuling, and finally auditing the Military Accounts of* Ireland: And whereas it is expedient that the said Act should be repealed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed, save and except always as to all Acts, Matters, and Things done under the Authority of the said recited Act, and all Fines, Penalties, and Forfeitures arising or incurred during the Continuance of the said Act, which shall remain and continue valid and effectual to

52 G.3. c.51.

Recited Act repealed, except as to Matters done and Penalties incurred under the same.

to all Intents and Purposes, and may be recovered under the Orders of the Secretary at War, as if the said recited Act had not been repealed.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LIII.

An Act to regulate the Payment of the Duties on Hops. [20th *October* 1831.]

WHEREAS by the Laws now in force for collecting the Duties of Excise on Hops all Planters and Owners of Hops are required, within Six Months after every Parcel of Hops shall or ought to have been cured, bagged, casked, or weighed, to clear off the Duties of Excise charged on such Hops: And whereas it is expedient to make the said Duties on Hops payable at Two certain Periods of the Year, instead of requiring the whole to be cleared off within Six Months; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Duties of Excise on Hops which shall have been charged since the First Day of *August* One thousand eight hundred and thirty-one, and all Duties of Excise on Hops which shall hereafter be charged, shall be paid and payable by the several Persons respectively on whom the same shall have been or shall be charged by the Officers of Excise, in manner following; (that is to say,) one Moiety of so much of the said Duties as shall have been or shall be charged on any Planter or Owner of any Hops shall be paid on the First Day of *March* next after the said Duties shall have been or shall be charged, and the other Moiety of such Duties on the First Day of *October* following, in each Year respectively; and every Person on whom any Duties

Duties on Hops to be paid on the 1st of March and the 1st of October in each Year.

on Hops shall have been or shall be charged, who shall fail to pay the same at the respective Times aforesaid, shall for each Default forfeit Double the Sum by him due and payable.

Not to interfere with the Powers given by 7 & 8 G. 4. c. 53. as to the charging and recovering of Duties.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed to extend to diminish or in any way interfere with the Powers and Authorities given by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland, to the Commissioners of Excise, to order the charging, demanding, and recovering of any Duties of Excise at such Times and in such Manner as the said Commissioners shall see fit to direct.

Act may be altered in the present Session.

III. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LIV.

An Act to apply the Sum of One million eight hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-one; and to appropriate the Supplies granted in this Session of Parliament.

[20th *October* 1831.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, to make good the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, to make good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-one, the Sum of One million eight hundred thousand Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of His Majesty's Treasury of the United Kingdom

There shall be applied, for the Service of the Year 1831, 1,800,000*l.* out of the Consolidated Fund.

of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 1,800,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of One million eight hundred thousand Pounds, and such Exchequer Bills shall be made out in the same or the like Manner, Form, and Order, and according to the same or the like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses and Provisions had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bills to be placed as so much Cash in the Exchequer;

V. And be it further enacted, That the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer Bills as shall be made out in pursuance of this Act to be placed as so much Cash in the respective Offices of the Tellers of the Receipt of His Majesty's Exchequer at *Westminster*, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively as so much Cash; any Law or Usage to the contrary notwithstanding.

and may be applied by the Treasury.

VI. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash according to the Course of the Receipt of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the

Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to issue unto such Person or Persons as shall be named in the said Warrant, out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Bank of England may advance 1,800,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VIII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of One million eight hundred thousand Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary thereof notwithstanding.

Monies coming into the Exchequer by 1 W. 4. c. 9.; and 1 W. 4. c. 10.;

IX. And be it further enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in the last Session of Parliament, intituled *An Act to apply the Sum of Five Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-one;* and also all the Monies coming into the said Exchequer by one other Act passed in the last Session of Parliament, intituled *An Act for appropriating certain Sums to the Service of*

12,000,000*l.* by Exchequer Bills, 1 W. 4. c. 11.; Monies coming in by 1 W. 4. c. 12.; 3,000,000*l.* by Exchequer Bills, 1 W. 4. c. 23.; 13,616,400*l.* by Exchequer Bills, 1 & 2 W. 4. c. 14. Monies coming in by 1 & 2 W. 4. c. 28.; and 1,800,000*l.* by this Act, shall be applied as hereafter expressed.

of the Year One thousand eight hundred and thirty-one; and also the Sum of Twelve Millions, granted by one other Act passed in the last Session of Parliament, intituled *An Act for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-one;* and also all the Monies coming into the said Exchequer by one other Act passed in the last Session of Parliament, intituled *An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions, in* England, *for the Service of the Year One thousand eight hundred and thirty-one;* and also all the Monies to be raised by Exchequer Bills, not exceeding the Sum of Three Millions, by virtue of one other Act passed in the last Session of Parliament, intituled *An Act for granting to His Majesty until the Fifth Day of* April *One thousand eight hundred and thirty-two certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty;* and also the Sum of Thirteen millions six hundred and sixteen thousand four hundred Pounds, granted by one other Act of this Session of Parliament, intituled *An Act for raising the Sum of Thirteen millions six hundred and sixteen thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-one;* and also all the Monies coming into the said Exchequer by one other Act of this Session of Parliament, intituled *An Act to apply the Surplus of Ways and Means, and a Sum out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-one;* and also the Sum of One million eight hundred thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

There shall be applied 5,870,551*l.* 1*s.* 8*d.* for Naval Services; viz. 1,081,600*l.* for Wages of 32,000 Men for 13 Months; 75,110*l.* for Wages, &c. for Vessels in Ordinary; 40,365*l.* 11*s.* 1*d.* for Salaries, &c. of the Admiralty Office; 49,299*l.* 2*s.* 7*d.* for the Navy Office;

X. And be it further enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five millions eight hundred seventy thousand five hundred and fifty-one Pounds One Shilling and Eight-pence, for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million and eighty-one thousand six hundred Pounds, for Wages for Thirty-two thousand Men, including Ten thousand Royal Marines, for Thirteen Lunar Months, from the First Day of *January* One thousand eight hundred and thirty-one, at the Rate of Two Pounds Twelve Shillings *per* Man *per* Month; and any Sum or Sums of Money not exceeding Seventy-five thousand one hundred and ten Pounds, for Wages of Officers and Men of Vessels in Ordinary, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Forty thousand three hundred and sixty-five Pounds Eleven Shillings and a Penny, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Forty-nine thousand two hundred and ninety-nine Pounds Two Shillings and Seven-pence, to defray the Salaries of the Officers and the contingent Expences of the Navy Office, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceed-

exceeding Twenty-nine thousand nine hundred and twenty-nine Pounds and Eight-pence, to defray the Salaries of the Officers and the contingent Expences of the Navy Pay Office, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty thousand one hundred and sixty-two Pounds Sixteen Shillings and Three-pence, to defray the Salaries of the Officers and the contingent Expences of the several Scientific Departments of the Navy, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eighty-two thousand two hundred and forty-nine Pounds Ten Shillings, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Yards at Home, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Six hundred and three thousand two hundred Pounds, to defray the Charge for Victuals for the said Thirty-two thousand Men, at the Rate of One Pound Nine Shillings *per* Man *per* Month; and any Sum or Sums of Money not exceeding Twenty-one thousand two hundred and eleven Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Yards Abroad, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Five hundred thirty-four thousand two hundred and twenty-four Pounds Four Shillings and Four-pence, to pay the Wages of Artificers, Labourers, and others employed in His Majesty's Yards at Home and Abroad, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eight hundred and ten thousand Pounds, to defray the Charge of Timber and other Materials, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Ninety-eight thousand Pounds, to defray the Charge of Repairs and Improvements in His Majesty's Yards at Home and Abroad, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Fifty thousand five hundred Pounds, to defray the Charge of Pilotage and other Contingencies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Charge of the Transport Establishments and the Charge for Freight for Naval and Victualling Stores, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-four thousand and forty Pounds, to defray the Expence of the Hire of Packets, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Expence of Ships building at *Bombay*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Seven hundred and eighty-two thousand Pounds, to defray the Charge of Half Pay to Naval Officers, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Two hundred forty-six thousand and fifty-eight Pounds Five Shillings and Three-pence, for Pensions and Allowances to Naval Officers, their Widows and Relatives, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, to defray the Charge for Bounty to Chaplains, for the Year One thousand eight hundred and

29,929*l.* 0*s.* 8*d.* for the Navy Pay Office;

20,162*l.* 16*s.* 3*d.* for the Scientific Departments of the Navy;

82,249*l.* 10*s.* for Salaries, &c. of Yards at Home;

603,200*l.* for their Victuals;

21,211*l.* for Expences of Yards Abroad;

534,224*l.* 4*s.* 4*d.* for Wages to Artificers in ditto;

810,000*l.* for Timber, &c.;

98,000*l.* for Repairs;

50,500*l.* for Pilotage, &c.;

25,000*l.* for Transport Service, and Freight of Stores;

24,040*l.* for Hire of Packets;

25,000*l.* for Ship-building at *Bombay*;

782,000*l.* for Naval Half Pay;

246,058*l.* 5*s.* 3*d.* for Naval Pensions;

1,300*l.* for Chaplains;

249,200*l.* for Out-Pensioners of *Greenwich*;

and thirty-one; and any Sum or Sums of Money not exceeding Two hundred forty-nine thousand two hundred Pounds, towards the Payment of Out-Pensioners of *Greenwich* Hospital, for the Year One thousand eight hundred and thirty-one;

155,905*l.* 17*s.* 10*d.* for Superannuations, &c. in Naval Departments;

and any Sum or Sums of Money not exceeding One hundred fifty-five thousand nine hundred and five Pounds Seventeen Shillings and Ten-pence, to defray the Charge of Superannuations to Commissioners, Secretaries, Clerks, *et cetera*, formerly employed in the Civil Establishments of the Navy, for the Year One thousand eight hundred and thirty-one;

136,800*l.* for Freight of Stores, &c.

and any Sum or Sums of Money not exceeding One hundred thirty-six thousand eight hundred Pounds, to defray the Charge of Freight of Ships for the Conveyance of Troops, Stores, *et cetera*, for the Year One thousand eight hundred and thirty-one;

3,000*l.* for Freight of Passengers to the *Swan River*;

and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Charge for Freight of Ships for the Conveyance of Passengers, Stores, *et cetera*, to the *Swan River* and other Places, on account of the Colonial Department, for the Year One thousand eight hundred and thirty-one;

88,500*l.* for conveying Convicts to *N. S. Wales*;

and any Sum or Sums of Money not exceeding Eighty-eight thousand five hundred Pounds, to defray the Expence of conveying Convicts to *New South Wales*, for the Year One thousand eight hundred and thirty-one;

3,380*l.* for Capture of Piratical Vessels;

and any Sum or Sums of Money not exceeding Three thousand three hundred and eighty Pounds, to defray the Charge for Bounty allowed for the Capture or Destruction of Piratical Vessels, in the Year One thousand eight hundred and thirty-one;

30,050*l.* for Expences of the Victualling Office;

and any Sum or Sums of Money not exceeding Thirty thousand and fifty Pounds, to defray the Salaries of the Officers and the contingent Expences of the Victualling Office, for the Year One thousand eight hundred and thirty-one;

63,363*l.* 9*s.* for Salaries, &c. of Victualling Yards;

and any Sum or Sums of Money not exceeding Sixty-three thousand three hundred and sixty-three Pounds Nine Shillings, to defray the Salaries of the Officers and the contingent Expences of the Victualling Yards, for the Year One thousand eight hundred and thirty-one;

24,242*l.* 7*s.* 8*d.* for Naval Medical Establishments;

and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and forty-two Pounds Seven Shillings and Eight-pence, to defray the Salaries of the Officers and the contingent Expences of the Naval Medical Establishments, for the Year One thousand eight hundred and thirty-one;

30,000*l.* for Medical Stores;

and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray the Charge of Medical Stores and Provisions, for the Year One thousand eight hundred and thirty-one;

31,611*l.* 9*s.* for Provisions for Ships in Ordinary;

and any Sum or Sums of Money not exceeding Thirty-one thousand six hundred and eleven Pounds Nine Shillings, to defray the Charge for Provisions to the Officers and Men of Ships in Ordinary, for the Year One thousand eight hundred and thirty-one;

8,557*l.* 18*s.* for Provisions for Yard Service afloat;

and any Sum or Sums of Money not exceeding Eight thousand five hundred and fifty-seven Pounds Eighteen Shillings, to defray the Charge for Provisions for the Officers and Men of the Yard Service afloat, for the Year One thousand eight hundred and thirty-one;

86,457*l.* for Works in Victualling and Medical Departments;

and any Sum or Sums of Money not exceeding Eighty-six thousand four hundred and fifty-seven Pounds, to defray the Expence of new Works in the Victualling and Medical Departments, for the Year One thousand eight hundred and thirty-one;

157,576*l.* 10*s.* for Half Pay, Pensions, &c. to Medical Officers, &c.;

and any Sum or Sums of Money not exceeding One hundred fifty-seven thousand five hundred and seventy-six Pounds Ten Shillings, to defray the Charge of Half Pay, Pensions, and Superannuations to Medical

Officers, Pursers, and Clerks, and to the Widows of Medical Officers and Pursers, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred and seventy-five thousand Pounds, to defray the Charge for the Purchase of Provisions for Troops and Garrisons on Foreign Stations, and for the Convict Service, and the Value of Rations for Troops to be embarked on board Ships of War and Transports, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-seven thousand six hundred and fifty-seven Pounds, to complete the Works at the Royal *Clarence* Victualling Yard at *Gosport*, in addition to the Sum of Twenty thousand Pounds already voted on the Estimate of the Navy for the present Year.

175,000*l.* for Provisions on Foreign Stations, &c.;

27,657*l.* for Works of Victualling Yard at *Gosport*.

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven millions seven hundred thirty-two thousand nine hundred and sixty-seven Pounds Thirteen Shillings and Sixpence, for and towards maintaining His Majesty's Land Forces, and other Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions one hundred fifty-two thousand one hundred and fifty-four Pounds Eight Shillings and Three-pence, for defraying the Charge of His Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland*, and on Stations Abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred twenty-four thousand five hundred and twenty-two Pounds Eight Shillings, for defraying the Charge of General Staff Officers and Officers of the Hospitals serving with His Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations (excepting *India*), for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred and three thousand eight hundred and ninety-seven Pounds Six Shillings and Four-pence, for defraying the Charge of the Allowances to the principal Officers of the several Public Military Departments in *Great Britain* and *Ireland*, their Deputies, Clerks, and contingent Expences, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twelve thousand four hundred and twenty Pounds, for defraying the Charge of Medicines and Surgical Materials for His Majesty's Land Forces, and of certain Hospital Contingencies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Thirty-three thousand eight hundred and thirty-five Pounds Fifteen Shillings and Ten-pence, for defraying the Charge of His Majesty's Garrisons at Home and Abroad, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Five thousand six hundred and twenty-seven Pounds Nineteen Shillings and Three-pence, for defraying the Charge of the Royal Military College, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Nineteen thousand nine hundred and seventy-five Pounds Twelve Shillings and Five-

There shall also be applied 7,732,967*l.* 13*s.* 6*d.* for Land Forces; viz.

3,152,154*l.* 8*s.* 3*d.* for the Forces in the United Kingdom and Stations Abroad (except the *E. Indies*);

124,522*l.* 8*s.* for General Staff Officers, &c.;

103,897*l.* 6*s.* 4*d.* for Allowances to Officers, &c. of Public Departments;

12,420*l.* for Medicines, &c. for the Forces;

33,835*l.* 15*s.* 10*d.* for Garrisons;

5,627*l.* 19*s.* 3*d.* for Royal Military College;

19,975*l.* 12*s.* 5*d.* for Royal Military Asylum;

189,803*l.* 19*s.* 8*d.* for Volunteer Corps;

135,000*l.* for certain General Officers;

95,300*l.* for Full Pay for retired Officers;

697,800*l.* for Half Pay;

91,300*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps;

27,174*l.* 5*s.* for reduced and retired Militia Officers;

147,778*l.* for Pensions to Widows;

180,619*l.* for Compassionate List, &c.;

1,335,986*l.* 7*s.* 3*d.* for In-Pensioners of *Chelsea* and *Kilmainham*;

53,369*l.* 6*s.* 5*d.* for Superannuations in Public Departments;

32,000*l.* for Exchequer Fees;

Five-pence, for defraying the Charge of the Royal Military Asylum, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred eighty-nine thousand eight hundred and three Pounds Nineteen Shillings and Eight-pence, for defraying the Charge of Volunteer Corps in the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred and thirty-five thousand Pounds, for defraying the Charge of the Pay of General Officers in His Majesty's Forces, not being Colonels of Regiments, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Ninety-five thousand three hundred Pounds, for defraying the Charge of Full Pay for reduced, retired, and unattached Officers of His Majesty's Forces, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Six hundred ninety-seven thousand eight hundred Pounds, for defraying the Charge of Half Pay and Military Allowances to reduced and retired Officers of His Majesty's Land Forces, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Ninety-one thousand three hundred Pounds, for defraying the Charge of Half Pay and reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-seven thousand one hundred and seventy-four Pounds Five Shillings, for defraying the Charge of Allowances to reduced Local Militia Adjutants, retired Officers of the Militia, and reduced Adjutants and Serjeants Majors of Yeomanry, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred forty-seven thousand seven hundred and seventy-eight Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred eighty thousand six hundred and nineteen Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One million three hundred thirty-five thousand nine hundred and eighty-six Pounds Seven Shillings and Three-pence, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, and of the Out-Pensioners of *Chelsea* Hospital, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Fifty-three thousand three hundred and sixty-nine Pounds Six Shillings and Five-pence, for defraying the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Public Departments in the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, for defraying the Charge of Exchequer Fees in *Great Britain* upon

Issues to be made for Army Services, in the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Five hundred and fifty thousand Pounds, to defray the extraordinary Expences of the Army, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Three hundred ninety-three thousand and forty-three Pounds, to defray the Charge of the Commissariat Department, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Three hundred fifty-one thousand three hundred and sixty Pounds Five Shillings and a Penny, to defray the Charge of the Disembodied Militia of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and thirty-one.

550,000*l.* for Army Extraordinaries;

393,043*l.* for the Commissariat;

351,360*l.* 5*s.* 1*d.* for Disembodied Militia.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding One million four hundred eighteen thousand eight hundred and seventeen Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Eighty thousand six hundred and forty-nine Pounds, for defraying the Expence of Salaries to the Master General and the principal Officers and Clerks belonging to the Office of Ordnance at the *Tower*, *Pall Mall*, and *Dublin*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Nine thousand and eighty-nine Pounds, for defraying the Expence of Salaries to the Departments of the Office of Ordnance at *Woolwich*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and five Pounds, for defraying the Expence of Salaries of the Civil Establishments of the Office of Ordnance at Home Stations, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-seven thousand seven hundred and twenty-four Pounds, for defraying the Expence of Salaries of the Civil Establishments of the Office of Ordnance Abroad and in *Ireland*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Forty thousand seven hundred and fifty-six Pounds, for defraying the Expence of Salaries of the several Barrack Masters and Barrack Serjeants at the Stations in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Five thousand two hundred and ten Pounds, for defraying the Expence of Master Gunners at the Garrisons and Batteries in *Great Britain*, *Guernsey* and *Jersey*, and *Ireland*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eighty-one thousand three hundred and twenty-eight Pounds, for defraying the Expence of the Corps of Royal Engineers, the Corps of Royal Sappers and Miners, and of the Establishment for the Instruction of Royal Sappers and Miners, for *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Two hundred seventy-eight thousand four hundred and thirty-six Pounds, for defraying the Expence of the Royal Regiment of Artillery for *Great Britain*,

There shall be applied 1,418,817*l.* for the Ordnance Department, viz.

80,649*l.* for Ordnance at the *Tower*, *Pall Mall*, and *Dublin*;

9,089*l.* for the Departments at *Woolwich*;

17,705*l.* for Civil Establishments of the Ordnance at Home;

27,724*l.* for Ordnance Abroad and in *Ireland*;

40,756*l.* for the Barrack Department;

5,210*l.* for Master Gunners;

81,328*l.* for the Corps of Royal Engineers, Sappers, &c.;

278,436*l.* for the Royal Regiment of Artillery;

Britain, Ireland, and the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Thirty-six thousand two hundred and sixteen Pounds, for defraying the Expence of the Brigade of Royal Horse Artillery, and also for the Riding House Troop, for *Great Britain* and *Ireland,* for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One thousand two hundred and twenty-three Pounds, for defraying the Expence of the Director General of Artillery, and for the Field Train Department, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Nine thousand two hundred and eighteen Pounds, for defraying the Expence of the Medical Establishment for the Military Department of the Ordnance in *Great Britain,* the Colonies, and *Ireland,* for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Three thousand four hundred and two Pounds, for defraying the Expence of the Office of Ordnance for the Officers, Professors, Masters, and Assistants at the Academical Establishment at *Woolwich,* for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Sixty-four thousand two hundred Pounds, for defraying the Expence of the Office of Ordnance of the Superintendance and Management of Ordnance and Barrack Works and Repairs in *Great Britain, Ireland,* and the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Ninety-five thousand seven hundred and eighty-three Pounds, for defraying the Charge of the Office of Ordnance for Ordnance and Barrack Works and Repairs, and the Storekeepers Departments in *Great Britain, Ireland,* and the Foreign Stations, after deducting Two hundred ninety-six thousand one hundred and eighty-two Pounds for Rents, Sale of old Stores, and unexpended Votes of former Grants; and any Sum or Sums of Money not exceeding Sixty-four thousand three hundred and eighty-nine Pounds, for defraying the Expence of Barrack Masters Expenditures in *Great Britain, Ireland,* and the Colonies, and also Allowances to Barrack Masters and Serjeants, and Miscellaneous Charges, for *Great Britain* and *Ireland;* and any Sum or Sums of Money not exceeding One hundred and forty-six thousand two hundred and nineteen Pounds, for defraying the Expence of the Office of Ordnance for Military and Civil Contingencies, Stores, *et cetera,* for *Great Britain, Ireland,* and the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Twenty-seven thousand nine hundred and seventy-four Pounds, for defraying the Expence of Services performed by the Office of Ordnance, and not provided for by Parliament in the Year One thousand eight hundred and thirty; and any Sum or Sums of Money not exceeding Sixty-nine thousand nine hundred and thirty Pounds, for defraying the Charge of the Military Store Branch for *Great Britain, Ireland,* and the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, for defraying the Expences of Sums to be paid at the Treasury and at the Exchequer for Fees on the Amount of the Ordnance Estimates, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Two

36,216*l.* for Brigade of Royal Horse Artillery;

1,223*l.* for the Field Train Department;

9,218*l.* for the Medical Establishment of the Ordnance;

3,402*l.* for Military Academy at *Woolwich;*

64,200*l.* for Office of Ordnance;

95,783*l.* for Ordnance and Barrack Works;

64,389*l.* for the Barrack Department;

146,219*l.* for Contingencies of the Ordnance;

27,974*l.* for the Extraordinaries of the Ordnance;

69,930*l.* for the Military Store Branch;

1,600*l.* for Exchequer Fees;

hundred ninety-seven thousand one hundred and sixteen Pounds, for the Charge of the Office of Ordnance in *Great Britain* and *Ireland*, on account of the Allowances to Superannuated, Retired, and Half Pay Officers, to Superannuated and Disabled Men, and for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Sixty thousand one hundred and fifteen Pounds, for the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuated or Retired Allowances to Persons late belonging to the Office of Ordnance and to the Barrack Department in *Great Britain*, the Colonies, and *Ireland*, in respect of their having held any Public Office or Employments of a Civil Nature, and also for the Charge of Widows Pensions, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Five hundred and thirty-five Pounds, for defraying the Expences of Sums to be paid at the Treasury and at the Exchequer for Fees on the Amount of the Military and Civil Superannuated Estimate, for the Year One thousand eight hundred and thirty-one.

297,116*l.* for Ordnance Superannuations, Retired Allowances, Pensions, &c.;

60,115*l.* for Allowances in Ordnance and Barrack Civil Departments, &c.;

535*l.* for Exchequer Fees.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-five millions five hundred seventy-seven thousand six hundred Pounds, to pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the Years One thousand eight hundred and thirty or One thousand eight hundred and thirty-one, now remaining unpaid and unprovided for.

There shall be issued 25,577,600*l.* to pay off Exchequer Bills charged on the Aids of 1830 and 1831;

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-eight thousand eight hundred Pounds, to pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for.

and also 38,800*l.* to pay off Exchequer Bills for carrying on Public Works, &c.

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two thousand nine hundred and forty Pounds, to defray the Charge of the Civil Establishment of the *Bahama* Islands, in addition to the Salaries now paid to the Public Officers out of the Duty Fund and the incidental Charges attending the same, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand six hundred and twenty-five Pounds, to defray the Charge of the Civil Establishment of *Nova Scotia*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Charge of the Civil Establishment of the Islands of *Bermuda*, for

There shall be applied 2,940*l.* for the Civil Establishment of the *Bahama* Islands;

6,625*l.* for *Nova Scotia*;

4,000*l.* for *Bermuda*;

for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand three hundred and twenty Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and sixty-one Pounds, to defray the Charge of the Civil Establishment of the Island of *Newfoundland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Nine thousand seven hundred and thirty Pounds Fifteen Shillings and Ten-pence, to defray the Charge of the Civil Establishment of *Sierra Leone*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expence of the Forts at *Cape Coast Castle* and *Accra*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-seven thousand one hundred and fifty-four Pounds, to defray the Charge of the Establishment at *Fernando Po*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-four thousand eight hundred and ninety-five Pounds, to defray the Charge of the Settlement in *Western Australia*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

3,320*l.* for *Prince Edward's Island*;

11,261*l.* for *Newfoundland*;

9,730*l.* 15*s.* 10*d.* for *Sierra Leone*;

4,000*l.* for *Cape Coast Castle* and *Accra*;

37,154*l.* for *Fernando Po*;

24,895*l.* for *Western Australia*.

There shall be applied 14,450*l.* for the *British Museum*;

80,000*l.* for Civil Contingencies;

73,800*l.* for Repairs of Public Buildings;

4,770*l.* for *Port Patrick* Harbour;

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fourteen thousand four hundred and fifty Pounds, to defray the estimated Expenditure of the *British Museum*, for the Year ending at *Christmas* One thousand eight hundred and thirty-one, and the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eighty thousand Pounds, to defray the Charge of Civil Contingencies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Seventy-three thousand eight hundred Pounds, to defray, in the Year One thousand eight hundred and thirty-one, the Expence of Works and Repairs of Public Buildings, and for Furniture and other Charges defrayed by the Office of Works, and for the Repairs and Alterations of Royal Palaces, and Works in the Royal Gardens, heretofore charged upon the Civil List, and for the Repairs of the Royal Palace of *Holyrood House* and certain Public Buildings in *Scotland*, heretofore charged on the Hereditary Revenues of *Scotland*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand seven hundred and seventy Pounds, to defray the Expence of Works executing

executing at *Port Patrick* Harbour, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expence of Works executing at *Donaghadee* Harbour, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray the Expence of the new Buildings at the *British Museum*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand seven hundred Pounds, to defray the Expences of the *Holyhead* and *Howth* Roads and Harbours, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, towards defraying the Expence of erecting, in the Year One thousand eight hundred and thirty-one, a Custom House, Excise Office, Stamp Office, and Post Office at *Liverpool*, and also an Office for the *Liverpool* Dock Company, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-three thousand two hundred Pounds, to defray the Salaries and Allowances to the Officers of the Houses of Lords and Commons, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Thirty-one thousand nine hundred Pounds, to defray the Expences of the Houses of Lords and Commons, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Forty-five thousand four hundred Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Treasury, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eleven thousand one hundred and thirty-seven Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Home Secretary of State, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and nine Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Foreign Secretary of State, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Sixteen thousand four hundred and seventy-five Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eighteen thousand six hundred and sixty-four Pounds, to make good the Deficiency of the Fee Fund in the Departments of His Majesty's most Honourable Privy Council and Committee of Privy Council for Trade, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Nine thousand three hundred and seventy-five Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Treasury, for the Year One thousand eight hundred and

4,000*l.* for *Donaghadee* Harbour;

12,000*l.* for new Buildings at the *British Museum*;

4,700*l.* for *Holyhead* and *Howth* Expences;

25,000*l.* for Buildings at *Liverpool*;

43,200*l.* for the Officers, and 31,900*l.* for the Expences of the Houses of Lords and Commons;

45,400*l.* for Deficiency of Fee Fund at the Treasury,

11,137*l.* at the Home Office;

15,709*l.* at the Foreign Office;

16,475*l.* at the Colonial Office;

18,664*l.* at the Privy Council;

9,375*l.* for Contingencies at the Treasury;

15,798*l.* 10*s.* for Retired Allowances to Persons formerly employed in Public Offices;

and thirty-one; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and ninety-eight Pounds and Ten Shillings, to defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments, or in the Public Service, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand three hundred and seventy-three Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Home Secretary of State, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Thirty-five thousand one hundred and fifty-five Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Foreign Secretary of State, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eight thousand four hundred and thirty Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for the Colonies, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Two thousand eight hundred and eighty Pounds, to defray the contingent Expences and Messengers Bills in the Departments of His Majesty's most Honourable Privy Council and Committee of Privy Council for Trade, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, to defray the Expences of Messengers attending the First Lord of the Treasury and Chancellor of the Exchequer, the Four Patent Messengers of the Court of Exchequer, and various ancient Allowances to Officers of that Court and others; and any Sum or Sums of Money not exceeding Nine hundred and fifty-eight Pounds Five Shillings, to pay the Salaries or Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, for reading Courses of Lectures, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Thirteen thousand one hundred and fifty-six Pounds, to pay the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the contingent Expences of their Office, for the Year One thousand eight hundred and thirty-one, and also the Expences attendant upon the Circuits, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand eight hundred and fifty-six Pounds, to pay, in the Year One thousand eight hundred and thirty-one, the Salaries of the Officers and the contingent Expences of the Office for the Superintendence of Aliens, and also the Superannuation or Retired Allowances to Officers formerly employed in that Service, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand five hundred and sixty-five Pounds, to defray the Expence of the Establishment of the Penitentiary at *Milbank*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and

8,373*l.* for Contingencies in the Home Department;

35,155*l.* in the Foreign Department;

8,430*l.* in the Colonial Department;

2,880*l.* in the Privy Council, &c.;

2,800*l.* for Messengers at the Treasury and Exchequer;

958*l.* 5*s.* for certain Professors at *Oxford* and *Cambridge*;

13,156*l.* for Insolvent Debtors Court;

3,856*l.* for Superintendence of Aliens, &c.;

8,565*l.* for the Penitentiary House at *Milbank*;

11,269*l.* for the Office of Works;

sixty-nine Pounds, to defray the Expence of the Office of Works, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand and seventy Pounds, to make good the Deficiency of the Fee Fund in the Office of Registry of Colonial Slaves in *Great Britain*, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Two thousand two hundred Pounds, to defray the Expences of the State Paper Office, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Fifteen thousand nine hundred and twenty Pounds, to enable His Majesty to grant Relief, in the Year One thousand eight hundred and thirty-one, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from His Majesty, and who from Services performed or Losses sustained in the *British* Service have special Claims upon His Majesty's Justice and Liberality, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expence of the National Vaccine Establishment, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand Pounds, for the Support of the Institution called the "Refuge for the Destitute," for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand and thirty-nine Pounds, to defray the Expence of confining and maintaining Criminal Lunatics, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand six hundred and twelve Pounds, to pay the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Protestant Refugee Laity, and sundry small charitable and other Allowances to the Poor of *Saint Martin in the Fields*, and others, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Forty-one thousand Pounds, for His Majesty's Foreign and other Secret Services, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred four thousand and three hundred Pounds, to defray the Expence of printing Acts, and Bills, Reports, and other Papers for the Two Houses of Parliament, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred twenty-nine thousand four hundred and seventy-one Pounds, to defray the Expence of providing Stationery, Printing, and Binding for the several Public Departments of Government, for the Year One thousand eight hundred and thirty-one, and also for providing Paper for the Printing which may be ordered in the Year One thousand eight hundred and thirty-two by the Two Houses of Parliament, and for the

1,070*l.* for Fee Fund of Office of Registry of Colonial Slaves;

2,000*l.* for the State Paper Office;

15,920*l.* for Relief to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, and *St. Domingo* Sufferers, &c.;

2,500*l.* for the Vaccine Establishment;

3,000*l.* for the Refuge for the Destitute;

3,039*l.* for maintaining Criminal Lunatics;

5,612*l.* for Dissenting Ministers, poor *French* Refugee Clergy, &c.;

41,000*l.* for Secret Services;

104,300*l.* for printing Acts and Papers for Houses of Parliament;

129,471*l.* for Stationery, &c. for Public Departments, and for Paper for Printing for Parliament in 1832;

the Charge of the Stationery Office, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the extraordinary Expences of the Mint in the Coinage of Gold, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to defray the extraordinary Expences that may be incurred for Prosecutions for Offences against the Laws relating to Coin, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Expence of Law Charges, for the Year One thousand eight hundred and thirty-one; and any Sum or Sums of Money not exceeding One hundred eight thousand one hundred and sixty-five Pounds, to defray the Expence attending the confining, maintaining, and employing Convicts at Home and in *Bermuda*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Expences incurred for the Support of captured Negroes, liberated *Africans*, *et cetera*, for the Year One thousand eight hundred and thirty-one, under the several Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding Nineteen thousand four hundred and fifty Pounds, to pay, in the Year One thousand eight hundred and thirty-one, the Salaries and incidental Expences of the Commissioners appointed on the Part of His Majesty under the Treaties with *Spain*, *Portugal*, and the *Netherlands*, for preventing the illegal Traffic in Slaves, and for Pensions to retired Commissioners, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred and twenty thousand Pounds, to defray, in the Year One thousand eight hundred and thirty-one, the Amount of Bills drawn from *New South Wales* and *Van Diemen's Land* on account of the Expences incurred at those Settlements for Convicts; and any Sum or Sums of Money not exceeding Fourteen thousand two hundred and fifty Pounds, to defray the Expence, in the Year One thousand eight hundred and thirty-one, of paying the Fees due and payable to the Officers of the Parliament on all Bills for continuing or amending any Acts for making or maintaining, keeping in repair, or improving Turnpike Roads, which shall pass the Two Houses of Parliament and receive the Royal Assent, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money, not exceeding Twenty-nine thousand nine hundred Pounds, to defray, in the Year One thousand eight hundred and thirty-one, the Expences of the Commissioners appointed to inquire into the Practice and Proceedings of the Superior Courts of Common Law and into the Law of *England* respecting Real Property, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand eight hundred and forty-six Pounds Three Shillings, for the Purchase of the Pension granted by His late Majesty King *William* the Third to *James Waller*, and re-granted by His late Majesty King *George* the Second to *Charles Hooper* and *Philip Martin* and their Heirs, and that the said Sum be issued

15,000*l.* for the Mint;

8,000*l.* for Prosecutions relating to the Coin;

15,000*l.* for Law Charges;

108,165*l.* for maintaining Convicts;

25,000*l.* for Support of captured Negroes;

19,450*l.* for Commissioners under the Treaties with *Spain*, &c.

120,000*l.* to defray Bills drawn from *New South Wales*;

14,250*l.* for Parliamentary Fees on Turnpike Road Bills;

29,900*l.* for Commissioners of Common Law Inquiry;

1,846*l.* 3*s.* for Purchase of a Pension to *C. Hooper* and *P. Martin*;

and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand five hundred Pounds, to defray the Expence of Printing under the Direction of the Commissioners on Public Records, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two Millions, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and thirty or of any preceding Year; and any Sum or Sums of Money not exceeding One hundred twelve thousand one hundred and ninety-five Pounds, to defray the Charge of the Salaries of His Majesty's Consuls General and Consuls, for the Year One thousand eight hundred and thirty-one, and also for all contingent Charges and Expences connected with the Public Duties and Establishments of such Consuls General and Consuls, and for paying the Amount of Superannuation Allowances granted to retired Consuls, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand one hundred and eighty-two Pounds, to defray the Expences of the Society for the Propagation of the Gospel in certain of His Majesty's Colonies, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-seven thousand five hundred Pounds, to defray the Charge, in the Year One thousand eight hundred and and thirty-one, of providing Stores for *New South Wales* and *Van Diemen's Land*, for Convicts Clothing, and Tools for liberated *Africans* at *Sierra Leone*, and *Indian* Presents for *Canada*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two hundred ninety-six thousand Pounds, to defray the Charge, in the Year One thousand eight hundred and thirty-one, of improving the Water Communication between *Montreal* and the *Ottawa*, from the *Ottawa* to *Kingston*, and from *Lake Erie* to *Lake Ontario*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and seventy-six Pounds Nineteen Shillings and Five-pence, to make good the Losses sustained by *Lewis Celeste Lescene* and *John Escoffery* in consequence of their Removal from *Jamaica* in the Year One thousand eight hundred and twenty-three, by Order of the Duke of *Manchester*, the Governor of that Island, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Expences which may probably be incurred at the Coronation of Their Majesties, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred sixty-three thousand six hundred and seventy Pounds Nine Shillings and Two-pence, to defray the Expence incurred and to be incurred, in the Year One thousand eight hundred and thirty-one, in carrying on the Repairs and Alterations at *Windsor Castle*, and in providing Furniture, and on account

10,500*l.* for printing Public Records;

2,000,000*l.* for Supplies of 1830;

112,195*l.* for Salaries and Expences of Consuls;

16,182*l.* to the Society for propagating the Gospel in the Colonies;

47,500*l.* for Stores for *New South Wales*, Clothing for Convicts, &c.

296,000*l.* for improving the Communication between *Montreal* and *Kingston*, &c.

11,276*l.* 19*s.* 5*d.* for Losses sustained by *L. C. Lescene* and *J. Escuffery*;

50,000*l.* for Expences of Coronation;

163,670*l.* 9*s.* 2*d.* for Repairs of *Windsor Castle*, and Furniture, &c. for *Buckingham House*.

of Debts for Work done and Contracts entered into for *Buckingham House* previous to the Fifteenth Day of *February* One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

There shall be applied 240,000*l.* for Salaries, &c. heretofore paid out of the Civil List, &c. to 5th *July*;

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred and forty thousand Pounds, to provide for the Payment of certain Salaries, Allowances, Pensions, and Services heretofore paid out of the Civil List for *England* and *Ireland*, the Hereditary Revenues of the Crown in *Scotland*, and the Four and a Half *per Cent.* Duty, but for which no Provision has been made in the Civil List granted to His present Majesty, from the Periods to which the said Services were severally last paid to the Fifth Day of *July* One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-nine thousand eight hundred and thirty-five Pounds, to defray, in the Year One thousand eight hundred and thirty-one, certain Charges in *Scotland* heretofore paid out of the Hereditary Revenues, or out of the Customs and Excise Revenues in their Progress to the Exchequer, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred and twenty thousand Pounds, to provide for the Payment of certain Salaries, Allowances, Pensions, and Services heretofore paid out of the Civil List of *England* and *Ireland*, the Hereditary Revenues of the Crown in *Scotland*, and the Four and a Half *per Cent.* Duty, but for which no Provision has been made in the Civil List of His present Majesty, from the Period to which the said Services were severally last paid to the Tenth Day of *October* One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

39,835*l.* for certain Charges in *Scotland* heretofore paid out of the Hereditary or other Revenues;

120,000*l.* for Salaries, &c. heretofore paid out of the Civil List, &c. to 10th *October*.

There shall be applied 5,794*l.* for the Protestant Charter Schools in *Ireland*;

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five thousand seven hundred and ninety-four Pounds, to defray the Expence of the Protestant Charter Schools of *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-seven thousand eight hundred and twenty-four Pounds, to defray the Expence of the Foundling Hospital in *Dublin*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-one thousand two hundred Pounds, to defray the Expence of the House of Industry in *Dublin*, the Lunatic Department, and the Three General Hospitals attached, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand three hun-

27,824*l.* for the Foundling Hospital;

21,200*l.* for the House of Industry;

1,388*l.* for the *Richmond* Lunatic Asylum;

dred and eighty-eight Pounds, to defray the Expence of the *Richmond* Lunatic Asylum, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand three hundred and twenty-three Pounds, to defray the Expence of the *Hibernian* Society for Soldiers Children, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand two hundred and sixty-eight Pounds, to defray the Expence of the *Hibernian* Marine Society, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand two hundred and ninety-one Pounds, to defray the Expence of the Female Orphan House in *Dublin*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand nine hundred Pounds, to defray the Expence of the *Westmoreland* Lock Hospital, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Expence of the Lying-in Hospital, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred and seventy-eight Pounds, to defray the Expence of Doctor *Steven*'s Hospital, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand eight hundred and sixty Pounds, to defray the Expence of the Fever Hospital, *Cork Street, Dublin*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four hundred and sixty-five Pounds, to defray the Expence of the Hospital for Incurables, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand five hundred Pounds, to defray the Expence of the Royal *Dublin* Society, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Irish* Academy, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the *Belfast* Academical Institution, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not

6,323*l.* for the *Hibernian* Society for Soldiers Children;

1,268*l.* for the *Hibernian* Marine Society;

1,291*l.* for the Female Orphan House, *Dublin*;

2,900*l.* for the *Westmoreland* Lock Hospital;

2,000*l.* for the Lying-in Hospital;

1,578*l.* for Dr. *Steven*'s Hospital;

2,860*l.* for the Fever Hospital;

465*l.* for Hospital for Incurables;

5,500*l.* for the Royal *Dublin* Society;

300*l.* for the Royal *Irish* Academy;

1,500*l.* for the *Belfast* Academical Institution;

30,000*l.* for Advancement of Education;

not exceeding Thirty thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money in aid of Schools and for the Advancement of Education, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and twenty-eight Pounds, to defray the Expence of the Roman Catholic College at *Maynooth*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

8,928*l.* for *Maynooth College*.

There shall also be applied 700*l.* for Board of Charitable Bequests;

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Expence of the Board of Charitable Bequests, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand nine hundred Pounds, to defray the Expence of the Board of Works, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty thousand four hundred and nineteen Pounds, to pay the Salaries and other Expences of the Chief and Under Secretaries Offices and Apartments, and other Public Offices in *Dublin Castle, et cetera*, and also for Riding Charges and other Expences of the Deputy Pursuivants and Messengers attending the said Offices, also Superannuated Allowances in the Chief Secretary's Office, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand three hundred and seventy-nine Pounds Fourteen Shillings and One Penny, to defray, in the Year One thousand eight hundred and thirty-one, the Charge of Salaries for the Attendants and Officers of the Household of the Lord Lieutenant of *Ireland*, and certain other Officers and Services, formerly charged on the Civil List in *Ireland*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand five hundred and thirty-four Pounds, to defray the Charge of the Office of the Vice Treasurer of *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand six hundred and eighty Pounds, to defray the Charge of the Office of the Teller of His Majesty's Exchequer in *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand six hundred Pounds, to defray the Expence of printing Proclamations and other Matters of a Public Nature in the *Dublin Gazette* and other Newspapers in *Ireland*, and of printing Statutes in *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction

12,900*l.* for the Board of Works;

30,419*l.* for Offices in *Dublin Castle*;

16,379*l.* 14*s.* 1*d.* for Household of the Lord Lieutenant;

5,534*l.* for the Office of the Vice Treasurer;

1,680*l.* for the Office of the Teller Exchequer in *Ireland*;

4,600*l.* for printing Proclamations and Statutes;

Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Expence of Criminal Prosecutions and other Law Expences in *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-one thousand seven hundred and forty-one Pounds Fifteen Shillings, to defray the Expence of Nonconforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four hundred and seventy Pounds Fifteen Shillings and Five-pence, to pay the Salaries to Lottery Officers in *Ireland*, for One Year ending on the Twenty-fourth Day of *June* One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand six hundred and fifty Pounds, to defray the Expence of Inland Navigations in *Ireland*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-thousand eight hundred and fifty-three Pounds, to defray the Expences of the Police and Watch Establishments of the City of *Dublin*, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand seven hundred and eighty-four Pounds, to defray the Expence of the Commissioners of Judicial Inquiry, for the Year One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray, in the Year One thousand eight hundred and thirty-one, the Expence of the Record Works not yet completed, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-thousand Pounds, to provide for the Employment of the Poor and the Relief of Distress in certain Districts in *Ireland*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand one hundred Pounds, to defray the Salaries of the Commissioners of Public Works in *Ireland*, for the Half Year ending on the Fifth Day of *January* One thousand eight hundred and thirty-two, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-seven thousand five hundred and ninety Pounds, to provide for the Amount due under the Head of Criminal Prosecutions in *Ireland* on the First Day of *January* One thousand eight hundred and thirty-one, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

50,000*l.* for Criminal Prosecutions;

21,741*l.* 15*s.* for Dissenting Ministers;

470*l.* 15*s.* 5*d.* for Lottery Officers;

2,650*l.* for Inland Navigations;

20,853*l.* for the Police of *Dublin*;

3,784*l.* for the Commissioners of Judicial Inquiry;

1,000*l.* for Record Works not completed.

40,000*l.* for Employment of the Poor;

1,100*l.* for Public Works;

27,590*l.* for Criminal Prosecutions.

XX. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued and applied to any Use, Intent,

Supplies to be applied only for the Purposes aforesaid.

Intent, or Purpose whatever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout, by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Rules to be observed in the Application of the Sum appropriated to Half Pay.

XXI. And as to the Sum of Six hundred ninety-seven thousand eight hundred Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in His Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under His Majesty, or in His Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison; and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with His Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General of His Majesty's Land Forces; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases, unless His Majesty's special Approbation be signified as aforesaid; and the Officer claiming the

Half Pay in pursuance of such Approbation shall signify in his Oath or Affidavit the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General of the Land Forces, with His Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and thirty-one, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; that no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in His Majesty's Household) under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under His Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any other Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon the taking such Oath (if any) as shall be required in or by any Act or Acts, or specified in any Warrant of His Majesty, as the Case may be, and stating in such Oath the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

XXII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners of the Treasury, or any Three or more of them, for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emolument, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer so authorized to receive Half Pay with the Salary

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

Salary or Emoluments of any Civil Employment shall signify the same in his Oath or Affidavit, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

1 W. 4. c. 63.

XXIII. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to apply the Sum of One million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty; and to appropriate the Supplies granted in this Session of Parliament*, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies have been paid to Officers claiming and entitled to Half Pay, who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland*; and it is expedient that all such Persons should be indemnified: Be it therefore enacted,

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified.

That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in the receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully indemnified, and shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, or Prosecutions or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing contained in any Act or Acts, or any Law, or Rules or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to the Officers of the *Manx* Fencibles.

XXIV. And whereas the Officers of the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that

Provision should be now made for Payment of the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been before allowed to receive the same, upon taking the Oath before the Officer usually administering Oaths to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under His Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the taking the Oath shall, without taking any other Oath, be sufficient to entitle such Officer to receive his Half Pay:

Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.

XXV. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in Possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in Possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or have been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making Affidavit before the proper Officer for administering Oaths to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any such Year derived from the Crown, nor any Place or Employment of Profit under His Majesty; and the taking the said Oath shall, without taking any other Oath, be sufficient to entitle such Chaplain to receive his Half Pay.

By 1 W. 4. c. 63. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as His Majesty shall direct.

XXVI. And whereas by the said recited Act passed in the First Year of the Reign of His present Majesty the several Supplies which had been granted to His Majesty, as is therein mentioned, were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Seven hundred twenty thousand eight hundred and fifty-nine Pounds Twelve Shillings and Ten-pence was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and thirty, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the said Sum of Seven hundred twenty thousand eight hundred and fifty-nine Pounds Twelve Shillings and Ten-pence as is or shall be more than sufficient to satisfy the said

Reduced Officers, according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as, by reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act or in the said Act to the contrary notwithstanding.

Widows and Persons claiming Pensions or Allowances shall take the required Oath.

XXVII. And as to the Sum of One hundred forty-seven thousand seven hundred and seventy-eight Pounds, by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces as aforesaid; and as to the Sum of One hundred eighty thousand six hundred and nineteen Pounds, by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds, as aforesaid; it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of His Majesty's Royal Bounty, shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrant directing the Issue of such Pensions and Allowances to be received, such Oath to be taken before any Justice or Justices of the Peace, or other Person duly authorized to administer an Oath, or before the Cashier of Widows Pensions, or the First Assistant Examiner of the same, for the Time being, in the Office of the Paymaster General of His Majesty's Land Forces, who are hereby authorized to administer the same.

By whom the Oath to be administered.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LV.

An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in *Ireland*. [20th *October* 1831.]

WHEREAS the Laws now in force for suppressing the unlawful making of Malt and illicit distilling of Spirits in *Ireland* are become numerous, and the Provisions thereof complicated, and it is therefore expedient to repeal the said Laws, and to make other Provisions in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person shall keep or use any Kiln for the drying of any Corn or Grain, or any Mill for the grinding of any Corn, Grain, or Malt, until he shall have made Entry of such Kiln or Mill by signing and delivering an Account in Writing to the Officer of Excise within whose Survey such Kiln or Mill shall be situate, of his Name and Place of Abode, and the Place where such Kiln or Mill is situated, and shall have painted in Oil Colour in Black upon a White Ground, or in White on a Black Ground, and put up on the Outside of the Door or Place of Entrance of such Kiln or Mill, or on a Board to be erected and affixed on some conspicuous Part of the Outside thereof, in legible Letters of Two Inches at least in Length, his Christian and Surname; and the Officer of Excise shall register such Entry, and

Persons keeping Kilns for drying or Mills for grinding Corn or Grain to make Entry thereof.

shall grant a Certificate of such Entry and Registry, by giving a Copy thereof, signed by him, to the Person making the Entry; and every Person who shall keep or use any Kiln for the drying of any Corn or Grain, or any Mill for the grinding of any Corn, Grain, or Malt, without having made such Entries and complied with such Particulars as aforesaid, shall forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned; and all Corn or Grain or Malt found on or in any such Kiln or Mill whereof Entry shall not have been made as herein-before directed shall be forfeited, and may be seized by any Officer of Excise.

Penalty 30*l.*

Where the Owner of an unentered Kiln cannot be found, the Occupier of the Soil may be required to make Entry of it, or destroy it; and in default he shall be liable to the Penalty for keeping a Kiln without Entry;

II. And whereas Kilns whereof no Entry hath been made or Notice given are frequently used to dry Malt which has been illegally made, and it is difficult to discover the Keepers of or Persons holding or occupying such Kilns, so as to require Entry to be made of the same; for Remedy whereof be it further enacted, That where any Kiln shall be discovered whereof Entry shall not have been made in manner required by this Act, and no actual Owner or Keeper of such Kiln, or any Person claiming Right or Title to the same, shall be discovered, it shall be lawful for any Officer of Excise, if such Kiln shall be erected or placed on any Land in Occupation, by any Notice in Writing to require the Occupier of the Land on which such Kiln shall be to make or cause to be made Entry of such Kiln in manner required by this Act, or to remove and destroy the same; and the Delivery of such Notice to such Occupier, or leaving the same at his or her Dwelling House, or with the Wife, Servant, or Child of such Occupier, shall be deemed and taken to be sufficient Service of such Notice; and if the Occupier of such Land shall not, within Fourteen Days after the Service or Delivery of such Notice, make or cause to be made Entry of such Kiln in manner required by this Act, or destroy or remove the same, such Occupier shall be liable to the Penalty by this Act imposed for keeping a Kiln without having entered the same; and if any such Kiln shall be on any Common Land, or on any Ground not in Occupation, or the Occupier thereof shall not be known, the Officer of Excise shall cause Notice in Writing to be affixed on some conspicuous Part of such Kiln, requiring the Owner of such Kiln within Fourteen Days to make Entry thereof; and if within Fourteen Days after affixing such Notice no Person shall make Entry of such Kiln, it shall be lawful for any Officer of Excise, and any Persons acting in his Aid, to destroy such Kiln, and to remove and dispose of the Materials thereof: Provided always, that any Person who shall be proved to have used any unentered Kiln, the real Owner or Keeper whereof shall not be known, shall be deemed to be the Owner or Keeper thereof, and shall be liable to the Penalty by this Act imposed for keeping a Kiln without having entered the same.

if erected on Common Land or Ground not in Occupation, a Notice to be affixed thereon, and if not entered within 14 Days after such Notice, it may be destroyed.

Malt not to be dried on Kilns kept for *drying Corn or Grain.*

III. And be it further enacted, That it shall not be lawful for any Person to dry any Malt, or any Corn or Grain making into Malt, on any Kiln erected and kept for drying Corn or Grain, or on any Kiln other than an entered Kiln in a Malthouse duly entered as required by Law for making Malt therein; and if any Malt, or any Corn or Grain making into Malt, shall be found on any Kiln erected and kept

for drying Corn or Grain, whether such Kiln shall be entered and registered as herein-before required or not, or on any Kiln other than as aforesaid, all such Malt, or Corn or Grain making into Malt, shall be forfeited, and may be seized by any Officer of Excise; and the Owner or Person keeping such Kiln whereon such Malt, or Corn or Grain making into Malt, shall be found, shall for every such Offence forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned, unless such Owner or Person shall declare and make known the Owner of such Malt, and give Evidence of Ownership against such Owner.

Penalty on placing Malt on a Kiln.

IV. And be it further enacted, That every Person who shall place any Malt, or any Corn or Grain making into Malt, on any Kiln kept for drying Corn or Grain, or on any Kiln not duly entered for making Malt, shall for every such Offence forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned.

Penalty on receiving illegally-made Malt into a Mill.

V. And be it further enacted, That every Person keeping a Mill, who shall receive or permit or suffer to be received into or deposited in such Mill any Malt illegally made, or the Duties whereon shall not have been fully paid or secured, or in whose Mill, or in any Room or Part thereof, any such Malt shall be found, shall, unless such Person shall declare and make known the Person by whom such Malt was delivered into such Mill, forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned.

Power of Officers to enter and search Mills for Malt illegally made.

VI. And be it further enacted, That it shall be lawful for any Officer specially employed in the Suppression of illicit Distillation and malting, at any Time in the Day to enter into any Mill, and into every Store and Room therein, and to make search in and throughout the same for all Malt illegally made, or the Duties whereon shall not have been paid or secured, which such Officer shall suspect to have been received into or to be deposited or concealed in such Mill, Stores, or Rooms, and all such Malt to seize, secure, and remove; and in case such Officer shall not, within a reasonable Time after Demand made at the House or Place of Abode of the Person keeping any Mill, obtain Admittance into such Mill, it shall be lawful for such Officer, in the Presence of a Constable or other Peace Officer, who is hereby respectively authorized and required to be aiding therein, to break open and enter such Mill and every Room and Store therein, and to make search therein, and to seize, secure, and remove any Malt found in such Mill or any Part thereof which shall have been illegally made, or the Duties whereon shall not have been paid or secured.

Penalty on receiving or concealing Malt illegally made.

VII. And be it further enacted, That every Person who shall receive, keep, or conceal, or knowingly have in his Possession, or in any Dwelling House or Outbuilding or Premises, or in any Place occupied by him, any Malt illegally made, or the Duties whereon shall not have been fully paid or secured, shall for every such Offence, whether any such Malt shall or shall not be the Property of such Person, forfeit One hundred Pounds, subject to the Mitigation hereafter

after mentioned; and all such Malt shall be forfeited, and may be seized by any Officer of Excise.

Penalty on wetting Grain or making Malt illegally.

VIII. And be it further enacted, That every Person, not being a Maltster and Maker of Malt duly licensed, and keeping a Malt-house entered for making Malt according to Law, who shall wet or steep any Corn or Grain to be made into Malt, or shall have in his Custody or Possession, or knowingly in any Dwelling House or Out-building or Place occupied by him, any Corn or Grain wetted or steeped or making into Malt, shall, whether the Corn or Grain so wetted and steeped shall or shall not be the Property of such Person, forfeit One hundred Pounds; and all such Corn and Grain making into Malt shall be forfeited, and may be seized by any Officer of Excise.

No Chemist, or other Person to make or use Stills without Licence.

IX. And for the better enabling the Officers of Excise to detect the fraudulent Use of Stills for the Use of private and illicit Distillers; be it further enacted, That every Person who shall make or use any Still or Stills in carrying on the Business of a Chemist, or any other Trade or Business requiring the Use of a Still, other than that of a Distiller, Rectifier, or Compounder of Spirits, or Vinegar Maker, shall first take out a Licence for making or using every such Still, in manner required by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences.*

6 G. 4. c. 81.

Licence to Chemists, &c. to specify certain Particulars.

X. And be it further enacted, That every Licence granted to any Person who shall carry on the Business of a Chemist, or any other Business requiring the Use of a Still or Stills, (other than that of a Distiller, Rectifier, or Compounder of Spirits, or Vinegar Maker,) shall specify the Name or Names and Business of the Person or Persons thereby licensed, and the Place where such Business is intended to be carried on, and the Number of Stills so licensed, if more than One, and the Capacity or Content of every such Still respectively; and no Chemist or other Person other than as aforesaid shall use or have in his Possession any Still or Stills of any greater Capacity or Content than Fifty Gallons, upon pain of forfeiting Fifty Pounds, subject to the Mitigation hereafter mentioned, for every such Still: Provided always, that it shall be lawful for the Commissioners of Excise, if they shall see fit, on Application made to them, to authorize and empower any such Chemist or other Person or Persons to keep and use any Still of a greater Capacity than Fifty Gallons; and that nothing herein contained shall extend to prevent the Use of any Still of any greater Capacity than Fifty Gallons, erected and in use at the Time of the passing of this Act.

Limiting the Capacity of Stills, unless specially authorized.

Regulations as to Still Makers.

XI. And be it further enacted, That every Person who shall make any Still shall permit any Officer of Excise, at any Hours in the Day-time, to enter any Place made use of by such Person for making or keeping Stills, and to examine the same; and every such

Maker of Stills shall stamp his Name, and the Content or Capacity of every Still made by him, upon the Shoulder of every such Still; and every Maker of Stills shall, within Three Days after finishing any Still of less Content than Two hundred Gallons, give Notice to the proper Supervisor or Officer of the District or Division where such Still hath been so made, that the same is ready to be gauged and stamped; and such Supervisor or Officer shall, within Three Days after such Notification, gauge such Still, and stamp the same, and grant a Certificate specifying the Content and Maker's Name of such Still; and every Maker of a Still who shall in any respect offend in or neglect any of the Particulars aforesaid shall for every such Offence forfeit Sixty Pounds, subject to the Mitigation hereafter mentioned.

Persons importing Stills of less Content than 200 Gallons into Ireland, to give Notice to the Officers, on Penalty of 60*l.*

XII. And be it further enacted, That every Person who shall import any Still into *Ireland* of less Content than Two hundred Gallons shall, within Three Days after the Arrival of such Still, give Notice of the same, and of the Place where the same is deposited, to the proper Supervisor or Officer of the District or Division; and such Supervisor or Officer shall, within Three Days after the Receipt of such Notice, gauge and cause to be stamped such Still in the same Manner as herein-before directed; and every Person who shall so import any such Still into *Ireland*, and shall omit to give such Notice thereof as aforesaid, shall forfeit Sixty Pounds, subject to the Mitigation hereafter mentioned, for every Still so imported.

Stills found not gauged and marked, to be forfeited, and a Penalty of 60*l.* levied on the Owner.

XIII. And be it further enacted, That every Still of less than Two hundred Gallons Content which shall be found in the Possession of any Person or Persons in *Ireland*, without having been previously gauged by the proper Officer of Excise, and marked in the Manner herein-before mentioned, shall be forfeited, and may be seized by any Officer of Excise; and the Owner or Person in whose Possession the same shall be found shall also forfeit Sixty Pounds, subject to the Mitigation hereafter mentioned, over and besides all other Penalties and Forfeitures imposed for the unlawful using the same.

No Still shall be conveyed without Permit.

XIV. And be it further enacted, That no Brazier or Manufacturer of Metal, or other Person, shall send or convey any Still, Still Head, or Worm to any Person, or from any one Part of *Ireland* to any other Part thereof, unless a Permit granted by an Officer of Excise for the Removal of such Still, Still Head, or Worm shall have been obtained by such Brazier, Manufacturer, or other Person, and such Permit shall contain in the Body thereof the Name of the Brazier or Manufacturer thereof, or other Person sending the same, and of the Person or Persons to whom and the Place to which such Still, Still Head, or Worm is intended to be sent, and also the Content in Gallons of such Still and of the Head thereof respectively; and every such Still, Still Head, or Worm which shall be found conveying or conveyed, and for the Conveyance of which such Permit shall not be produced, shall be forfeited, and may be seized by any Officer of Excise; and the Brazier, Manufacturer, or other Person sending or conveying the same shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned.

Penalty 100*l.*

Permit shall be delivered up to Officer, and Certificate thereof given by him.

XV. And be it further enacted, That the Person to whom any such Still shall be conveyed shall, within Forty-eight Hours after the Arrival of such Still, deliver up the Permit under which such Still shall have been conveyed to the proper Officer of the Division or Ride in which such Person shall reside; and such Officer shall thereupon grant a Certificate to such Person in lieu of such Permit; and if any such Still shall be found in the Possession of any Person, after the Expiration of Forty-eight Hours from the Arrival thereof, without such Certificate, such Still shall be forfeited, and may be seized by any Officer of Excise.

Persons other than licensed Distillers, Brewers, or Vinegar Makers, having Worts, Wash, or Low Wines, or Stills in their Possession, to forfeit 100*l.*

XVI. And be it further enacted, That every Person, other than a licensed Distiller, Brewer, or Maker of Vinegar, who shall brew or make, or shall have in his Possession, any Worts, Wash, or Pot Ale, (except for the Purpose of being made into Beer for the private Use of such Person, the Proof whereof shall lie on such Person,) and every Person other than a licensed Distiller who shall distil or have in his Possession any Low Wines or Singlings, and every Person not being duly licensed to keep or use a Still who shall have or keep any Still, Still Head, or Worm of a Still, and every Person who shall without being lawfully authorized thereto have in his Possession, or in any Dwelling House, or in any Outbuilding, Place, or Premises occupied by him, any Worts, Wash, or Pot Ale, (except as aforesaid,) or any Low Wines or Singlings, or any Still, Still Head, or Worm of a Still, whether such Wort, Wash, or Pot Ale, or Low Wines or Singlings, or Still Head or Worm, shall or shall not be the Property of such Person, shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned; and all such Worts, Wash, or Pot Ale, Low Wines and Singlings, Stills, Still Heads, and Worms, shall be forfeited, and may be seized by any Officer of Excise.

If any Officer shall know or suspect where any private Still, &c. is kept, and shall make Oath thereof before a Justice, such Justice may grant a special Warrant to break open such suspected Place, and seize the Still, &c.

XVII. And be it further enacted, That if any Officer of Excise shall know or have Cause to suspect that any private or concealed Still, or any Back, Vat, Cooler, or other Vessel used in illicit Distillation, or any Spirits, Low Wines, or Wort or Wash, or other Materials preparing or prepared for Distillation, are set up or kept in any House or Place, or that any illegally made Malt, or any Corn or Grain making into Malt, is kept or deposited in any House or Place, and shall make Oath thereof before One or more Justice or Justices of the Peace of the County, City, or Place where such Officer shall suspect the same to be set up and kept or deposited, setting forth the Ground of such Suspicion, it shall be lawful for the Justice or Justices before whom such Oath shall be made, if he or they shall judge it reasonable, by special Warrant under his or their Hands and Seals to authorize and empower such Officer, by Day or by Night, to break open the Doors or any Part of such House or Place where he or they shall so know or suspect that such private or concealed Still, Back, Vat, Cooler, or other Vessel, Spirits, Low Wines, Wort, Wash, or Materials for Distillation, or Malt, or Corn or Grain making into Malt, is or are so set up or kept or deposited, and to enter into such House or Place, and to seize all and every such Stills, Backs, Vats, Coolers, and other Vessels, and all such Spirits, Low Wines, Worts, Wash, and other Materials preparing or

prepared for Distillation, and all Malt, or Corn or Grain making into Malt, which shall be there found and discovered, and either to detain and keep the same in the House or Place where found, or to remove the same to the Office of Excise next to the Place where the same shall be so discovered and found; and the Proprietor or Occupier of the House or Place in which any such Seizure shall be made shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned; and if any Person shall obstruct, oppose, molest, or hinder any Officer of Excise, or others acting in their Assistance, in the searching for or seizing any such private or concealed Stills, Backs, Vats, Coolers, or other Vessels, or Spirits, Low Wines, Wort, Wash, or other Materials for Distillation, Malt, or Corn or Grain making into Malt, or in detaining or keeping the same in the Place where found, or in removing the same or any of them after Seizure to the next Office of Excise as aforesaid, then and in every such Case every Person so offending shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned.

Obstructing Officers in seizing private Stills, &c.

Penalty 100*l.*

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to make it unlawful for any Officer of Excise to search for any private or concealed Still, Back, or other Vessel for the making, preparing, or keeping of Wort, Wash, Low Wines or Spirits, or other Materials preparing or prepared for Distillation, or any Malt the Duties whereon shall not have been paid, or any Corn or Grain illegally making into Malt, without such Warrant as aforesaid, or from seizing every such Still, Back, or other Vessel, and all such Low Wines, Spirits, Wort, Wash, and other Materials preparing or prepared for Distillation, Malt, and Corn or Grain making into Malt, which he or they shall so find, or to proceed in relation thereto in manner aforesaid; and every Person with whom the same shall be found, or who shall obstruct any such Officer, or any Person acting in his Aid, or shall otherwise offend in any of the Particulars aforesaid, shall be subject and liable to the same Penalties and Forfeitures as if such Officer had been acting under such Warrant as aforesaid, any thing herein-before contained to the contrary notwithstanding; and if any Officer of Excise, having entered any House without a Warrant, shall break open any Door or Lock, or forcibly enter any Room or Place, in search of any concealed Still, Back, Vat, Cooler, or other Vessel, or any Spirits, Low Wines, Wort, or Wash, or other Materials preparing or prepared for illicit Distillation, or of any such Malt, or Corn or Grain making into Malt, and shall find any such private or concealed Still, Still Head, or Worm of a Still, or any Back, Vat, Cooler, or other Vessel, or any Spirits or Low Wines, or Wort or Wash or other Materials, or any such Malt, or Corn or Grain making into Malt, such finding shall be a full Justification of such breaking or forcible Entry, and on Proof thereof in any Suit or Action to be brought against any Officer, or any Person acting in his Aid, for the same, a Verdict shall be given for the Defendant.

Officers of Excise may search for and seize private Stills, &c. without a Warrant from the Justices;

and Proprietors shall be subject to the same Penalties as if the Officers had a special Warrant.

XIX. And be it further enacted, That when any Officer of Excise shall discover any private or concealed Still, or any Back or Vessel for making or preparing or keeping any Wort, Wash, Pot Ale, Low Wines,

Persons found in any Place where illegal Distillation or

malting is in Process to be arrested and taken before a Justice.

Wines, or Singlings, or other Materials preparing or prepared for private Distillation, the Process of distilling or of making or preparing Worts, Wash, Pot Ale, Low Wines, or Singlings or Spirits, being then proceeding, or any Corn or Grain making into Malt, and shall at the same Time find any Person in the Room or Place where such private Distillation of Spirits, or making or preparing of Worts, Wash, or Pot Ale, Low Wines or Singlings, or making of Malt, is carrying on, every such Person so discovered, over and above all other Penalties and Forfeitures to which the Proprietor or Person in whose Possession the same shall be found is subject and liable, shall severally forfeit One hundred Pounds each, subject to the Mitigation hereafter mentioned; and it shall be lawful for the Officer of Excise to arrest and detain every Person so discovered, and to convey him before One or more Justice or Justices of the Peace of the County, City, or Place respectively near to the Room or Place where such Person shall be so discovered, to be dealt with in manner herein-after directed.

Officers empowered to spill and destroy all Spirits, Materials, and Utensils found at private Distilleries.

XX. And whereas when the Officers of Excise have discovered private or unlawful Malthouses and Distilleries, it has often been found impossible or difficult to remove the Malt, Spirits, Materials, and Utensils to a Place of Safety; for Remedy thereof be it further enacted, That when any Officer of Excise shall find any unlawful Malthouse or Place for making Malt, or any unlawful Distillery, it shall be lawful for such Officer immediately, upon the Discovery of such private or unlawful Malthouse or Place or Distillery, and the Seizure of any Malt, or Corn or Grain making into Malt, or any Spirits, or Materials, Implements, or Utensils for Distillation, effectually to scatter, spill, break up, and destroy the same; any thing herein-before contained to the contrary in anywise notwithstanding.

Any Justice of Peace, Landlord, or his Bailiff, may destroy Stills, &c.

XXI. And be it further enacted, That it shall be lawful for any Justice of Peace who shall find any Still, Still Head, or Worm of a Still in Possession of any Person, without a sufficient Licence being produced for keeping the same, and for any Landlord or Proprietor of any Land or Premises on which the same shall be found, or his Steward or Bailiff, to seize such Still, Still Head, or Worm, and to convey and deliver the same to the next Officer of Excise, who shall take such Still, Still Head, or Worm into his Custody, and secure the same, in like Manner as if such Still, Still Head, or Worm had been seized by him; and it shall in like Manner be lawful for any Justice of the Peace, Landlord, or Proprietor, or Steward or Bailiff, to seize any Low Wines, Singlings, Wort, Wash, Pot Ale, or any Corn or Grain making into Malt, in the Possession of any Person not entitled by Law to have the same in Possession, and to spill and destroy all such Low Wines, Singlings, Wort, Wash, Pot Ale, and Corn or Grain making into Malt.

Penalty on Persons concealing Spirits.

XXII. And be it further enacted, That every Person who shall harbour, keep, or conceal, or shall knowingly permit to be harboured, kept, or concealed, or shall give Aid or Assistance or Reward to any Person to harbour, keep, or conceal, any Spirits unlawfully made or distilled, or the full Duties whereon shall not have been fully paid,

shall forfeit One hundred Pounds, subject to the Mitigation herein-after mentioned.

Persons having in Possession Spirits for which Duty has not been paid, or having any Quantity exceeding a Gallon without Permit, to forfeit 100*l.*

XXIII. And be it further enacted, That every Person who shall have in his Custody or Possession any Spirits in any Quantity whatsoever the full Duties whereon shall not have been fully paid, or any Spirits in any Quantity exceeding One Gallon which shall not have been duly and legally permitted and attended with a proper Permit to him, shall for each and every such Offence forfeit the Sum of One hundred Pounds, subject to the Mitigation herein-after mentioned; and upon the Trial or Hearing of any Proceedings for the Recovery of such Penalty the Defendant shall be convicted, unless due Proof shall be made by such Defendant that the full Duties on such Spirits had been duly paid, or that such Spirits were bought by or for such Defendant and received from a licensed Distiller, or some Person licensed to sell Spirits, or that the same were attended with a proper Permit to such Defendant.

Penalty on Persons selling or delivering illicit Spirits.

XXIV. And be it further enacted, That every Person who shall sell or deliver any Spirits which shall have been illicitly distilled, or the full Duties whereon shall not have been fully paid, shall forfeit One hundred Pounds, subject to the Mitigation herein-after mentioned, unless Proof shall be made by such Person that such Spirits were bought or received by him from a licensed Distiller, or some Person licensed to deal in or sell Spirits.

Persons carrying or removing illicit Stills or Spirits to forfeit 100*l.* and may be arrested.

XXV. And be it further enacted, That it shall be lawful for any Officer of Excise to stop and detain any Person who shall be found removing or carrying any Still, Still Head, or Worm, or any Spirits of any Kind whatever, and to examine such Still, Still Head, or Worm, or such Spirits, and to ascertain whether such Still is duly marked, and to ascertain the Quantity, Quality, Sort, or Kind and the Strength of such Spirits, and to demand the Production of the Permit or Permits accompanying such Still, Still Head, or Worm, or such Spirits, if such Spirits shall amount to a Quantity for which a Permit is by Law required; and every Person so found removing any Still, Still Head, or Worm, or any Spirits which are by Law required to be accompanied by a Permit, who shall refuse to produce such Permit or Permits as aforesaid, on being required so to do by any Officer of Excise, or shall be found removing or carrying any Still, Still Head, or Worm, or such Spirits, without a lawful Permit, or shall be found removing or carrying, in any Quantity whatsoever, any Spirits which shall have been illegally distilled, or the Duties whereon shall not have been paid, or any Keg, Cask, or Vessel which shall have contained illicit Spirits, shall for every such Offence severally forfeit One hundred Pounds each, subject to the Mitigation hereafter mentioned; and the Still, Still Head, or Worm, or the Spirits, so carrying and removing, together with the Casks or Vessels containing the same, or the Casks, Kegs, or Vessels which shall have contained illicit Spirits, shall be forfeited, and may be seized by any Officer of Excise; and every such Officer is hereby authorized and required to stop, arrest, and detain every such Person, and to convey him, together with the Still, Still Head, or Worm, or Spirits, or Keg, so found

Stills, &c. so removed to be forfeited.

found removing or carrying, before One or more of His Majesty's Justices of the Peace residing near to the Place where any such Person shall be so stopped or arrested, to be dealt with as hereinafter is directed.

Bags, Casks, &c. in which illegal Malt or Spirits are contained, and all Carriages, &c. employed, to be forfeited.

XXVI. And be it further enacted, That all Bags, Casks, Bottles, Jars, Utensils, or Vessels in which any Malt, Corn, or Grain, or any Spirits, Worts, Wash, Pot Ale, Low Wines, Singlings, or other Liquors liable to Forfeiture under this Act, shall be contained, and all Carriages, Carts, Cars, and all Horses and other Cattle, and all Boats, made use of in the Removal or Conveyance, or having been used in the Removal or Conveyance, of any Liquors, or any Still, Still Head, or Worm, or any Malt or other Goods liable to Forfeiture under this Act, shall be forfeited, and may be seized by any Officer of Excise.

Persons being Owners of or interested in such Malt, Still, &c. to forfeit 100*l.*

XXVII. And be it further enacted, That every Owner or Part Owner of any Malt illegally made, or of any Corn or Grain illegally making into Malt, or of any Still, Still Head, or Worm, or of any Worts, Wash, or Pot Ale, Low Wines or Singlings, or of any Spirits, or of any Back, Vat, Utensil, or Vessel used for illicit malting or distilling, found or discovered to have been in the Possession of any other Person or in any Place whatever, or who shall have or derive any Interest in or from any illicit Malt, or Corn or Grain making into Malt, or any Still, Still Head, or Worm, or any Wort, Wash, or Pot Ale, Low Wines, Singlings, or Spirits illicitly made or distilled, shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned.

Persons in whose Premises private Distillation or malting shall be carried on to forfeit 60*l.*

XXVIII. And be it further enacted, That if any Person shall permit or knowingly suffer any private making of Malt or Distillation of Spirits to be carried on in any House, Outhouse, Yard, Garden, Land, or Premises belonging to or in the Occupation of such Person, such Person shall forfeit Sixty Pounds, subject to the Mitigation herein-after mentioned.

Persons forcibly opposing Officers guilty of Felony.

XXIX. And be it further enacted, That every Person who shall, with any Fire-arms, Swords, Bludgeons, Sticks, Stones, or other offensive Weapons, assault, or with Force and Violence obstruct, any Officer of Excise, or other Person acting in his Aid, in searching for, seizing or securing, or in destroying any Spirits, Low Wines, Singlings, Wort, Wash, or Pot Ale, or any Still, Still Head, or Worm, or any Back, Vessel, or Utensil, or any Malt or Corn or Grain, or other Goods, or in seizing and securing any Horse, Cattle, Carriage, Cart, Boat, or Vessel, or in arresting, securing, or detaining any Person liable to Arrest under any of the Provisions of this Act, or shall rescue or attempt to rescue any Seizure made by any Officer of Excise, or any Person arrested and detained by any Officer of Excise, or who shall, to the Number of Two or more, be found armed with any Fire-arms, Swords, Bludgeons, Sticks, or Stones, or other deadly or offensive Weapons, or wearing any Mask, Vizard, or other Disguise of the Person, removing, carrying, and conveying, or having in their Custody and Possession, or assembled together for the Pur-

pose of or in order to be aiding and assisting, or being aiding and assisting, in carrying and conveying any Malt or Spirits illegally made or distilled, or the Duties whereon shall not have been fully paid, or any Still, Still Head, or Worm of a Still, or any Wort, Wash, Pot Ale, Low Wines, or Singlings, or any Corn or Grain making into Malt, or any Keg, Cask, or Vessel which shall have contained Spirits illegally distilled, or the Duties whereon shall not have been fully paid, shall be guilty of Felony, and on Conviction shall be transported for the Term of Seven Years, or, in the Discretion of the Court, sentenced to be imprisoned and kept to hard Labour for any Time not exceeding Three Years nor less than Six Calendar Months.

Penalty on Persons making Signals or giving Notice to Smugglers of the Approach of Excise Officers.

XXX. And whereas Officers of Excise are often prevented from detecting Persons engaged in the illicit making of Malt and Distillation of Spirits, by other Persons making Signals of and giving Notice of the Approach of the Officers; be it therefore enacted, That every Person who shall make or cause to be made, or aid or assist in making, any Signal to any Person engaged in illicit malting or distilling, or carrying or conveying or having in Possession any Malt, or Corn or Grain making into Malt, or any Still, Still Head, or Worm, or any Worts, Wash, Pot Ale, Low Wines, Singlings, or Spirits, or any Cask, Keg, or Vessel, or give any Warning to any such Person so engaged as aforesaid of the Approach of any Officer of Excise, or of any Person acting in his or their Aid, shall for every Offence forfeit Ten Pounds, subject to the Mitigation hereafter mentioned; and any Officer of Excise or any other Person may stop, arrest, and detain any Person who shall so make or aid or assist in making such Signal, or so giving Warning, and convey such Person before One or more of His Majesty's Justices of the Peace residing near to the Place where any such Person shall be so stopped, arrested, and detained, to be dealt with as herein-after is directed.

How Penalties are to be recovered.

XXXI. And be it further enacted, That all Penalties and Forfeitures imposed by this Act may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in His Majesty's Court of Exchequer in *Dublin*, in the Name of His Majesty's Attorney General, or in the Name of some Officer of Excise, or, on Complaint in manner herein-after mentioned, to or before any One or more of His Majesty's Justices of the Peace of the County, City, or Place wherein the Offence shall be committed.

Proceedings before Justices where Parties are not arrested.

XXXII. And be it further enacted, That where any Complaint shall be made to any Justice or Justices of the Peace for the Recovery of any Penalty under this Act (except as herein-after provided for in the Cases of Persons arrested and detained and brought before such Justice or Justices), the Justice or Justices to whom such Complaint shall be made is and are hereby authorized and required to summon the Party accused to appear before him or them on a Day and at a Time and Place to be named in such Summons, not being less than Six nor more than Fourteen Days from the Date of such Summons, and

and upon his Appearance or Default to proceed to the Examination of the Matter, and upon due Proof thereof, either on the Confession of the Party or upon the Oath of One or more credible Witness or Witnesses, to convict the Offender; and in case the said Penalty or Penalties, or the Amount to which the same shall be mitigated, shall not on Conviction be forthwith paid into the Hands of the Prosecutor or Person authorized to receive the same, such Justice or Justices may, by Warrant under his or their Hand or Hands, immediately commit such Offender or Offenders to any Gaol or Prison of the County or Place wherein the Offence shall have arisen, or wherein the Offender or Offenders shall have been found, there to remain for such Period as shall be specified in such Warrant, according to the Provisions of this Act, unless such Penalty or Penalties shall be sooner paid: Provided always, that where it shall appear to any Justice or Justices by or before whom any Person shall be convicted that such Person has sufficient Goods and Chattels whereon to levy the Penalty or Penalties, the Justice or Justices may, before issuing any Warrant of Commitment, grant a Warrant under his or their Hand or Hands to levy such Penalty or Penalties on the Goods and Chattels of such Offender; and if sufficient Goods and Chattels for satisfying such Warrant, and the Expences of the Levy and Sale of the Offender's Goods, shall not be found, then the said Justice or Justices shall grant such Warrant of Commitment as aforesaid.

If the Justice before whom any Complaint is made shall not attend, another Justice may hear and determine the Matter.

XXXIII. Provided always, and be it further enacted, That if any Justice or Justices to or before whom any Complaint shall have been exhibited, and who shall have issued any Summons, shall be absent or not attend at the Time and Place named in such Summons, it shall be lawful for any other Justice or Justices of the Peace within the same Jurisdiction who may be in attendance to act in the Matter of the said Complaint for and in lieu of the Justice to or before whom the same shall have been exhibited, in all respects relating to such Complaint, and the due Completion of the Proceeding thereupon, in the same Manner as if such Complaint had been at first exhibited before such other Justice or Justices; and in case neither the Justice or Justices, or either or any of them, before whom any such Complaint shall have been made, nor any other Justice, shall attend at the Time and Place named in the Summons, then the Justice or Justices before whom such Complaint shall have been made, or any One of them, shall, on Application made for that Purpose, issue a Second Summons for the Defendant's Appearance on a Day and Hour and at a Place to be therein named; at which Time and Place such Justice or Justices, or One of them, is hereby peremptorily required to attend to hear and determine the Matters of such Complaint: Provided also, that any Summons directed in the right or assumed Name of the Person summoned, left at or upon the Place used or occupied by any Person for carrying on Trade or Business, or at the House or Building where the Offence shall have been committed or Seizure made, or at the Place of Residence or with the Wife or Child or Servant of the Person summoned, shall be deemed to be duly served.

Serving of Summons.

XXXIV. And

Proceedings where Persons are arrested.

XXXIV. And be it further enacted, That any Justice or Justices of the Peace before whom any Person liable to be arrested and detained or who shall be arrested and detained for any Offence under the Provisions of this Act authorizing such Arrest and Detention shall be carried, may and shall, on the Confession of such Person of such Offence, or on Proof thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, convict such Person of any such Offence; and every such Person so convicted shall immediately upon Conviction pay into the Hands of the Officer or Person authorized to receive the same the Penalty adjudged against him, or the Amount to which the same shall be mitigated; or, in default thereof, the said Justice or Justices shall, by Warrant under his or their Hand or Hands, commit the Person so convicted to any Gaol or Prison of the County or Place, there to remain for such Period as shall be specified in such Warrant according to the Provisions of this Act, unless such Penalty shall be sooner paid.

Justices may order Persons to be detained.

XXXV. And whereas it is expedient that Time should be allowed to prepare Complaints, Convictions, and Warrants of Commitment; be it further enacted, That where any Person shall be arrested and detained by any Officer or Officers of Excise for any Offence under any of the Provisions of this Act authorizing such Arrest and Detention, and shall be taken and carried before any Justice or Justices of the Peace, if it shall appear to such Justice or Justices that there is reasonable Cause to detain such Person, such Justice or Justices may order such Person or Persons to be detained a reasonable Time, and at the Expiration of such Time such Justice or Justices may proceed to hear and finally determine the Matter, or to commit such Person to Prison.

Where Petty Sessions are established, Defendants may be summoned to the Sessions, and Parties arrested may be held to Bail to appear at the Sessions.

XXXVI. And be it further enacted, That where any Complaint for the Recovery of any Penalty under this Act shall be made to any Justice or Justices of any County in which the holding of Petty Sessions shall be established under an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, such Justice or Justices may and is hereby required to summon the Party accused to appear before the Justices assembled at the next Petty Sessions to be holden for the District within which such Offence shall be committed, or the Justice or Justices to whom Complaint shall be made shall reside; and on the Appearance or Default of the Party accused the Justices assembled at such Petty Sessions shall proceed to the Examination of the Matter in question, and determine the same in manner herein directed to be done by Justices out of Sessions; and where any Person shall be arrested and detained, and be brought before any Justice or Justices of any County in which any such Petty Sessions shall be established, such Justice or Justices may and shall hold the Person so arrested to bail in the Sum of Twenty Pounds, with Two sufficient Sureties in the Sum of Ten Pounds each, to appear before the Justices assembled at the next Petty Sessions for the District; and the Justices assembled at such Petty Sessions shall proceed to hear and determine the Matter in

the same Manner as is herein directed to be done by the Justice or Justices before whom such Person shall be brought: Provided always, that if any Person so arrested and detained shall not be willing or able to give such sufficient Bail as aforesaid, the Justice or Justices before whom he, she, or they shall be brought shall immediately proceed to hear and determine the Matter as herein-before directed.

Persons liable to Arrest, not being detained at the Time, may be afterwards arrested.

XXXVII. And be it further enacted, That if any Person liable to be arrested and detained under the Provisions of this Act shall not be detained at the Time of committing the Offence for which he is so liable, or after Detention shall make his Escape, any Officer of Excise may stop, arrest, and detain such Person at any Time afterwards, and carry him before any Justice or Justices of the Peace, to be dealt with as if detained at the Time of committing the Offence.

Persons coming forward as Witnesses to claim Malt, Stills, or Materials, to be immediately convicted on their own Confession.

XXXVIII. And whereas where Proceedings are had against Persons for having Malt, or Corn or Grain, or Stills, Wash, Pot Ale, Singlings, or Spirits in Possession, other Persons frequently appear as Witnesses to make claim to and declare themselves the Owners or Proprietors of the Goods or Articles, in order to exempt the Persons in whose Possession the same may have been found from the Penalties incurred by such Possession; be it further enacted, That where in any such Proceeding any Person shall so appear as a Witness, and shall declare himself to be the Owner or Proprietor of any illegal Malt, or Corn or Grain making into Malt, or of any Still, Still Head, or Worm, or Wort, Wash, or Pot Ale, Low Wines, Singlings, or Spirits, or other illicit Articles found in the Possession of or in the House or Premises of the Person against whom such Proceedings shall be had, such Admission of Ownership shall not release or exempt the Person in whose Custody or Possession or in whose House or Premises such illicit Goods shall be found from the Penalty or Penalties by him or her incurred, but the Justice or Justices before whom such Proceedings shall be had shall proceed to convict such Person in such Penalty or Penalties, unless it shall appear to such Justice or Justices that the illicit Goods were found in some Outhouse, Shed, or Place where the same could be deposited without the Knowledge of the Owner or Occupier thereof, and that the Person proceeded against as such Owner or Occupier had not any Knowledge of such Goods; and such Justice or Justices are hereby empowered and required, whether the Person in whose Possession or in whose House or Premises such illicit Goods shall have been found shall or shall not be convicted, to cause the Person who shall have appeared as a Witness and acknowledged himself to be the Owner and Proprietor of the illicit Goods to be immediately detained, and to proceed forthwith to convict such Person, as on his or her Confession, in the Penalty by this Act imposed for being the Owner and Proprietor of the Malt, or Corn or Grain, Still, Still Head, or Worm, or Wort, Wash, Pot Ale, Low Wines or Singlings, or Spirits, or other Goods, and in default of Payment to commit such Person to the Gaol or Prison; and every such Conviction shall be as good, valid, and effectual as if Complaint had been made to

such Justice or Justices, and such Person had been duly summoned to appear before such Justice or Justices.

Powers of Mitigation.

XXXIX. And be it further enacted, That any Justice or Justices of the Peace may, when they shall see Cause, mitigate any Penalty incurred for any Offence committed against this Act, as he or they shall think fit, so as such Mitigation shall not in any Case reduce such Penalty to less than Six Pounds; and every such Mitigation, and Payment thereupon made, shall be a sufficient Discharge of every such Penalty to the Person or Persons convicted: Provided always, that no Justice or Justices shall commit any Person to any Gaol or Prison for Nonpayment of any Penalty adjudged against such Person under the Provisions of this Act, or of any mitigated Amount thereof, for any Period less than Three Calendar Months.

Proviso as to Imprisonment.

Where any Person convicted shall be guilty of a subsequent Offence, the Mitigation not to be less than Double the Amount of the former Fine.

XL. And be it further enacted, That where any Person who shall have been convicted and adjudged to pay a Penalty for any Offence against any of the Provisions of this Act shall be again convicted of any other Offence against any of the Provisions of this Act, the Justice or Justices who shall convict such Person of such subsequent Offence shall not mitigate the Penalty incurred to any less Amount than Double the Amount of the Sum adjudged against such Person when last convicted, and in default of immediate Payment such Person shall be committed to the Gaol or Prison of the County or Place for not less than Double the Period for which such Person was committed or liable to be committed on such preceding Conviction; and the Justice or Justices committing any such Person convicted of any such subsequent Offence, shall in the Warrant of Commitment direct such Person to be kept to hard Labour, unless it shall be made to appear to such Justice or Justices that such Person had paid at least One Half of the Penalty adjudged against such Person on his previous Conviction: Provided always, that no Penalty to be imposed by any Justice or Justices for any first or subsequent Offence against the Provisions of this Act shall exceed the Amount herein-before imposed for each Offence respectively, nor shall any Person be committed in default of Payment for any longer Period than Twelve Calendar Months.

Proviso.

Proof of former Conviction.

XLI. And be it further enacted, That Proof of any former Conviction, and the Amount of the Penalty adjudged against any Person, or to which such Penalty was mitigated under the Provisions of this Act, may be made by the Production of such former Conviction, or of any Warrant of Commitment issued thereon, and Proof of the Justices Handwriting thereto, or by the Confession of the Party, or by the Testimony on Oath of any One or more credible Witness or Witnesses who shall have been present at such former Conviction.

Penalties and Imprisonment to be proportioned;

XLII. And whereas Persons convicted of Offences against the Provisions of this Act, and committed to Prison in default of Payment of the Penalty adjudged against them, may be able to pay a Part

and Defendants may pay Part of the Penalty to be released from a Portion of the Imprisonment.

Part of such Penalty, but not the Whole; and it is expedient to make Provision for enabling such Persons to make Payment of Part of the Penalty adjudged against them, and to apportion the Period of Imprisonment to the Amount which shall remain unpaid; be it therefore enacted, That every Justice and Justices of the Peace by and before whom any Person or Persons shall be convicted of any Offence against this Act shall, in mitigating any Penalty in which any such Person shall be convicted, and in committing such Person or Persons to Gaol in default of Payment of the Penalty in which he shall have been convicted, so apportion the Amount of Mitigation and Period of Imprisonment as that the Penalty or mitigated Amount thereof being divided by the Period of Imprisonment may be regularly calculated into even monthly Instalments of not less than Two Pounds *per* Calendar Month, and every Month's Imprisonment which any Person convicted of any Offence against this Act, and against whom any Penalty shall have been adjudged, shall suffer, shall be taken to be equivalent to Payment of One Month's Instalment of such Penalty; and if any Person who shall be committed to Prison in default of Payment of any Penalty under the Provisions of this Act shall, after undergoing any Part of such Imprisonment, be desirous of being released therefrom on Payment of a Proportion of such Penalty, such Person may pay into the Hands of the Gaoler or Keeper of the Prison such a Sum of Money as shall appear to be the Amount of the Penalty remaining due after deducting the monthly Instalment or Instalments which shall be deemed to have been paid by the Number of Calendar Months such Person shall have been in Prison; (that is to say,) if such Person shall have been committed to Prison for the Period of Three Calendar Months for Nonpayment of the Sum of Six Pounds, and shall have been in Prison Two Calendar Months, then to pay the Sum of Two Pounds; if in Prison One Month, then to pay the Sum of Four Pounds; if such Person shall have been committed for the Period of Six Months for Nonpayment of Eighteen Pounds, and shall have undergone One Month's Imprisonment, then to pay the Sum of Fifteen Pounds; if in Prison Two Months, Twelve Pounds; if in Prison Five Months, Three Pounds; and so in proportion, reckoning as aforesaid each Calendar Month's Imprisonment equal to a Payment of a monthly Proportion of the Amount of Penalty for Nonpayment of which such Person shall have been committed; and every Gaoler and Keeper of any Prison in which any such Person shall be imprisoned shall on Receipt of such Payment forthwith discharge the Person making the same from Custody for the Remainder of the Period for which such Person shall have been committed; and if any Person against whom any Penalty shall be adjudged for any Offence against this Act, and who shall be directed to be committed to Prison for any Period for Default of Payment of such Sum, shall previous to being removed to the Gaol or Prison pay down any Part of the Penalty which he or she shall be adjudged to pay, the Justice or Justices before whom such Person shall be convicted may allow such Part Payment to be made; and such Justice or Justices shall in every such Case, by Indorsement on the Back of the Warrant of Commitment, specify the Amount so paid, and direct such Person or Persons to be imprisoned for such a Period of Time only as shall be equivalent,

equivalent, according to the monthly Proportions or Instalments of the Penalty, calculated and apportioned as aforesaid, to the Amount of Penalty remaining unpaid: Provided always, that no Sum less than the Sum of Two Pounds shall be allowed to be so paid as a Proportion or Instalment of any Penalty, or if the monthly Proportion shall exceed the Sum of Two Pounds, then no less a Sum than One whole monthly Proportion of the Penalty, calculated and apportioned as aforesaid, shall be allowed to be paid by any Person in order to be released from any Portion of his or her Imprisonment.

Not less than One Monthly Instalment to be accepted.

XLIII. And be it further enacted, That in all Cases where any Levy Warrant shall be issued by any Justice or Justices for the Recovery of any Penalty by him or them imposed under the Authority of this Act, and any Sum of Money shall be recovered by the Distress and Sale of the Goods and Chattels of the Party convicted, the Amount so recovered, if equal, after deducting the Expences of the Levy and Sale, to One Month's Proportion of the Penalty, shall be deemed a Payment by such Party; and the Justice or Justices who shall have granted such Warrant shall proceed in the same Manner as if the Sum so recovered had been paid by such Person, and shall indorse the Warrant of Commitment accordingly.

Where a Levy Warrant is issued, the Sum recovered to be deemed a Payment.

XLIV. And be it further enacted, That every Gaoler or Keeper of any Gaol or Prison who shall receive any Proportion of any Penalty for Nonpayment of which any Person shall have been committed to his Custody under the Provisions of this Act shall forthwith on the Receipt of the same, by Indorsement on the Warrant of Commitment, specify the Amount paid, and the Time when the same was paid, and the Person paying the same liberated; and every such Gaoler or Keeper shall pay over every such Sum of Money so received to the Collector of Excise, or any Person authorized by such Collector to receive the same, on Demand, or in default of Payment shall forfeit a Sum equal to Double the Amount so by him received; and every Gaoler and Keeper of any Prison shall produce to the Inspection of any Officer of Excise who may demand to see the same every Warrant of Commitment under which any Person shall have been committed to the Custody of such Gaoler or Keeper for Nonpayment of any Penalty under the Authority of this Act, within Twelve Months preceding such Demand, and shall allow and permit the Officer of Excise requiring the same to inspect every such Warrant, and to take a Copy thereof, and of any Indorsement thereon, or any Extract therefrom; and if any such Gaoler or Keeper shall refuse or neglect to produce any such Warrant, when so demanded, or to allow the Officer of Excise demanding the same to inspect such Warrant, or to take any Copy thereof, or of any Indorsement thereon, or any Extract therefrom, every Gaoler or Keeper so offending shall for every such Offence forfeit One hundred Pounds, to be recovered in the same Manner and by the same Means and Methods as other Penalties under this Act are to be sued for, levied, and recovered.

Gaoler to pay over all Money by him received to the Officer of Excise authorized to receive it.

XLV. And be it further enacted, That all Penalties or Portions of Penalties which shall be recovered for any Offences done or committed against the Provisions of this Act, shall, when recovered, be

Application of Penalties.

applied, in the first place, in Payment of the Expences of recovering the same, and in the next place shall be divided and paid, one Moiety thereof to the Use of His Majesty, and the other Moiety thereof, in such Shares and Proportions as the Commissioners of Excise shall direct, to and amongst the Officer or Officers of Excise who shall have discovered the Offences for the Commission of which such Penalties shall be imposed, and the Person or Persons acting in the Aid and Assistance of such Officer or Officers, or who shall have given Information of such Offences, or to and amongst such of them as the said Commissioners shall direct to share therein; and in all Cases where any Penalty shall be imposed on any Person for any Offence against the Provisions of this Act, and such Penalty, or One Half thereof, shall not be recovered, the Commissioners of Excise may direct a Sum of Money not exceeding One Moiety of the Penalty imposed to be paid from the Revenue of Excise, and divided and distributed in the same Manner as the Moiety of the Penalty, if recovered, would have been divided and distributed amongst the Officers of Excise, and the Persons acting in their Aid and Assistance, or who shall have given any Information, or such of them as the said Commissioners shall direct to share therein.

Seizures, if not claimed within 14 Days, to be forfeited; if claimed, to be proceeded against as other Excise Seizures.

XLVI. And be it further enacted, That all Seizures made of any Goods, Commodities, Chattels, or Things forfeited under the Provisions of this Act, and not claimed within the Space of Fourteen Days after Seizure, by Application in Writing either to the Collector or Supervisor of Excise, or to the Officer seizing, or in whose Custody the Goods, Commodities, Chattels, or Things seized shall be, shall be absolutely forfeited, as fully and effectually as if the same had been condemned by Judgment of Condemnation of His Majesty's Court of Exchequer; and in all Cases in which any Goods, Commodities, Chattels, or Things seized shall be claimed by any Person within such Time as aforesaid, such Proceedings shall be had for the Condemnation thereof as in the Case of other Goods, Commodities, or Chattels or Things seized as forfeited under any Law or Laws of Excise.

Disposal of Seizures.

XLVII. And be it further enacted, That all Malt, Corn, or Grain, and all Spirits, which shall be seized under the Provisions of this Act, which shall become forfeited for Want of Claim, or which being claimed shall, on Proceedings had for the Condemnation thereof, be adjudged forfeited, shall be sold and disposed of, either publicly to the best Bidder, or by private Sale, at such Time, at such Place, and in such Manner as the Commissioners of Excise shall direct; and all and every Still, Still Head, and Worm, and all Casks, Kegs, and Vessels, which shall be seized and become forfeited as aforesaid, shall be cut up and broken to Pieces, and the Materials thereof sold and disposed of in like Manner by Order of the Commissioners of Excise; and all Boats, Horses, Carriages, and other Goods, Commodities, and Chattels, so seized and become forfeited, shall in like Manner be sold and disposed of as the Commissioners of Excise shall direct; and all Worts, Wash, Low Wines, and Singlings, so seized, shall be wholly and effectually spilled and destroyed; and the Monies arising from the Sale and Disposal of such Seizures shall, when received, be applied,

under the Directions of the Commissioners of Excise, in the first place, in Payment of the Expences, if any, incurred in the Seizure or Removal of the Goods, Commodities, or Chattels seized, or in the Condemnation thereof; and after Payment of such Expences such Monies shall be divided and paid, in such Proportions and in such Manner as the Commissioners of Excise shall order and direct, to and amongst the Officer or Officers of Excise by whom such Seizure shall be made, and the Person or Persons acting in the Aid and Assistance of such Officer or Officers, or by whose Information such Seizure shall have been discovered, or to and amongst such of them as the said Commissioners shall direct to share therein: Provided always, that no Malt or Spirits seized and forfeited under the Provisions of this Act shall be sold for any Sum less than the Duties of Excise payable thereon; and in case any such Malt or Spirits shall not sell for an Amount equal to the Duties payable thereon, such Malt or Spirits shall be effectually destroyed; and in such Case it shall be lawful for the Commissioners of Excise to order a Sum of Money, not exceeding the Duties on the Malt or Spirits so destroyed, to be paid out of the Revenue of Excise, and to be divided in the same Manner as the Produce of such Seizures, if sold, would have been divided.

Proviso.

XLVIII. And be it further enacted, That on the Hearing or Trial of any Proceedings for Recovery of any Penalty imposed by this Act on any Person who shall sell, buy, or receive, or shall remove, carry, or convey, or assist in removing, carrying, or conveying, or shall hide or conceal, or have in his or her Possession, or in whose Dwelling House, Outhouse, or Premises shall be found, any Spirits illegally distilled, or the full Duties chargeable whereon had not been paid, or any Spirits whatever in any Quantity requiring a Permit by Law which shall not have been duly and legally permitted and attended with a proper Permit, or any Malt illegally made, or the Duties chargeable whereon shall not have been paid, the Defendant or Defendants in such Proceedings shall be convicted, unless due Proof be made by such Defendant or Defendants that the full Duty on such Spirits has been duly paid, or that such Spirits were bought by or for such Defendant or Defendants and received from a licensed Distiller or some Person licensed to sell Spirits, or that the same were attended with a proper Permit or Permits to such Defendant or Defendants, or unless due Proof shall be made by such Defendant or Defendants that the full Duty on such Malt has been fully paid, or that such Malt was bought by or for such Defendant or Defendants and received from a licensed Maltster, or from a Person regularly and publicly carrying on the Trade or Business of a known Factor or Seller of Malt; any Law, Usuage, or Custom to the contrary notwithstanding.

Proof of Payment of Duties, or of a Permit, to be made by Defendants.

XLIX. And be it enacted, That the Proceedings to be had before any Justice or Justices for the Recovery of any Penalty under this Act may be in the Form contained in the Schedule hereto annexed; and it shall not be lawful for any Person to appeal against any Judgment or Conviction or Proceedings of any Justice or Justices under this Act, nor shall any Writ of Certiorari or other Writ or Process be issued

Proceedings to be in the Form in the Schedule.

issued out of any of His Majesty's Courts of Record, on behalf of any Defendant, to remove or any way affect any such Judgment, Conviction, or Proceeding.

Either of the offending Parties informing against the other shall be acquitted of his own Penalty.

L. And for the more effectual Discovery of Offenders, be it further enacted, That on the Commission of any Offence under this Act, either of the offending Parties who shall first discover and inform against the other or others of such offending Parties, before any Information or Complaint has been lodged against such informing Party for such Offence, shall, upon Conviction of the Person or Persons against whom such Information shall be given, be discharged and acquitted from all Penalties to which at the Time of such Information given such informing Party may be liable, for or by reason of any such Offence committed by such informing Party; and that the Evidence of such informing Party shall on any Trial at Law touching such Offence be admitted to prove the Facts thereof or relating thereto.

Illicit Distillers and Maltsters subject to the Penalties under other Acts.

LI. Provided always, and be it further enacted, That all and every Person committing any Offence against the Provisions of this Act, by illegally making Malt, or distilling, selling, or keeping Spirits, or removing Spirits, shall also be subject and liable to all Penalties imposed by any other Act or Acts in force relating to Malt and Spirits, and to Permits, in the same Manner as if such Person or Persons were duly licensed as Maltsters or Makers of Malt, or Distillers, Rectifiers, or Compounders, Dealers in, or Retailers of Spirits; and the Commissioners of Excise may, if they shall see fit, order any Persons committing any Offence against this Act to be sued and prosecuted for the Recovery of any other or further Penalty or Penalties, Forfeiture or Forfeitures, incurred under the Provisions of any other Acts relating to Malt or Spirits, in lieu of or in addition to the Penalties or Forfeitures by this Act imposed.

No Action against an Officer without a Month's Notice in manner required by 7 & 8 G. 4. c. 53.

LII. And be it further enacted, That no Writ, Summons, or Process shall be sued out against or served on, nor shall any Action be brought or prosecuted against, any Officer of Excise, or any Person acting in the Aid and Assistance of any such Officer, or against any other Person, for any thing done in pursuance of this Act, until the Expiration of One Calendar Month's Notice in Writing shall have been delivered to such Officer or Person in manner required by an Act made in the Seventh and Eighth Years of His late Majesty's Reign, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland; which said Act shall, in all Matters and Things not expressly provided for in this Act, or not repugnant thereto, or hereby altered or varied, extend to this Act.

Construction of Terms in this Act.

LIII. And in order to avoid the frequent Use and Repetition of numerous Terms and Expressions in this Act, and to give effect to and prevent any Misconstruction of those which are used in it, be it enacted, That whenever in this Act the Singular Number or Masculine Gender only shall be used, such Word or Words shall be construed to mean several Persons as well as One, and Females as well

well as Males, and Bodies Corporate and Politic as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it be otherwise specially provided for, or there be something in the Subject or Context repugnant to such Construction.

Repeal of Acts and Parts of Acts:

LIV. And be it enacted, That the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, save and except as herein-after is provided; (that is to say,) an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland, *and the warehousing of such Spirits for Exportation;* an Act passed in the Forty-seventh Year of the Reign of His said Majesty, intituled *An Act to amend an Act made in the Forty-sixth Year of His present Majesty, for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland; an Act passed in the Forty-eighth Year of His said late Majesty's Reign, intituled *An Act to amend the several Acts for the regulating and securing the Collection of the Duty on Spirits distilled in* Ireland; so much of an Act passed in the Forty-ninth Year of His said Majesty's Reign, intituled *An Act to amend the several Acts for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland, *and for regulating the Sale of such Liquors by Retail,* as relates to the regulating and securing the Duties on Spirits, and the Imposition of Penalties for illicit Distillation; an Act passed in the Fiftieth Year of His said Majesty's Reign, intituled *An Act to amend the several Acts relating to the making of Malt, and the granting of Permits and Certificates, and the Regulations of Braziers and of Persons employing more than One Still in* Ireland; an Act passed in the Fifty-second Year of His said Majesty's Reign, intituled *An Act to amend several Acts relating to the Revenue of Inland Excise and Taxes in* Ireland; an Act passed in the Fifty-fourth Year of His said Majesty's Reign, intituled *An Act to consolidate and amend the Regulations contained in several Acts of Parliament for imposing and levying of Fines upon Parishes, Townlands, and other Places, in respect of the unlawful Distillation of Spirits in* Ireland; an Act passed in the Fifty-fifth Year of His said Majesty's Reign, intituled *An Act for the better collecting and securing the Duties on Spirits distilled in* Ireland; an Act passed in the same Fifty-fifth Year, intituled *An Act to amend several Acts relating to Fines in respect of unlawful Distillation in* Ireland, *to the warehousing of Spirits, and to the securing the Duties of Excise on Spirits distilled, and on Hides and Skins tanned in* Ireland; an Act passed in the same Fifty-fifth Year, intituled *An Act to amend the Laws for imposing and levying of Fines in respect of unlawful Distillation of Spirits in* Ireland; an Act passed in the Fifty-sixth Year of His said Majesty's Reign, intituled *An Act to make certain Provisions for modifying the several Acts for imposing and levying of Fines in respect of unlawful Distillation of Spirits in* Ireland; an Act passed in the Fifty-ninth Year of His said Majesty's Reign, intituled *An Act to limit the Continuance of the Operation of the several Acts for imposing Fines upon Townlands and Places in* Ireland, *in respect of Offences relating to the unlawful Distillation of Spirits; and to amend the said Acts; and to provide for the more effectual Prevention or Suppression of such Offences:*

46 G. 3. c. 88.
47 G. 3. Sess. 2. c. 17.
48 G. 3. c. 81.
49 G. 3. c. 99. in part.
50 G. 3. c. 99.
52 G. 3. c. 97.
54 G. 3. c. 150.
55 G. 3. c. 111.
55 G. 3. c. 12.
55 G. 3. c. 151.
56 G. 3. c. 112.
59 G. 3. c. 98.

Proviso for Duties and Penalties incurred and Offences committed before 1st May 1831.

Provided always, that all Duties of Excise, and Arrears thereof, and all Fines, Penalties, and Forfeitures, incurred by any Person or Persons under the said recited Acts or any of them before the First Day of *May* One thousand eight hundred and thirty-one, shall and may be sued for, levied, and recovered under the Provisions of the said recited Acts; and that all Persons who before the said First Day of *May* One thousand eight hundred and thirty-one shall have been arrested and committed for Trial or held to Bail for any Felony or Misdemeanor done or committed under or against the said recited Acts or any of them shall and may be prosecuted, convicted, and punished under the Powers, Provisions, and Authorities of the said recited Acts; and all Clauses, Powers, Authorities, and Provisions in the said recited Acts severally contained shall, for the Purpose of recovering such Duties and Arrears, Fines, Penalties, and Forfeitures, and for the prosecuting, convicting, and punishing of all such Persons so arrested and committed or held to Bail, but no further, be and continue in full Force and Effect.

Commencement of Act.

LV. And be it further enacted, That this Act shall commence and take effect from and immediately after the First Day of *December* One thousand eight hundred and thirty-one.

Act may be altered this Session.

LVI. And be it further enacted, That this Act or any of the Provisions thereof may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

Form of Complaint to a Justice of the Peace, where the Party charged is not liable to be arrested and detained.

No. 1.

County of } *A. B.*, Officer of Excise, complaineth to *C. D.*, One of
to wit. } His Majesty's Justices of the Peace in and for the County of against *E. F.* of the Parish of in the same County, for that on the Day of in the Year of our Lord [*here state the Offence according to the Forms given below*] contrary to the Form of the Statute in such Case made and provided, whereby the said *E. F.* hath forfeited the Sum of One hundred Pounds.

The said *E. F.* did keep and use a certain Kiln for the drying of Corn and Grain, situate at in the said County, without having made Entry thereof in manner required by the Statute in such Case made and provided.

The said *E. F.* did keep and use a certain Kiln for the drying of Corn and Grain, situate at in the said County, without having his Name and Place of Abode painted on the Outside of the Door or other Entrance thereof, or on a Board on some conspicuous Part of the Outside thereof, in manner required by the Statute in such Case made and provided.

The said *E. F.* was the Owner and Keeper of a certain Kiln for drying Corn and Grain, situate at in the said County, and that on the said Day of a certain Quantity, (that is to say,) Bushels of Malt, [*or* a certain Quantity, (that is to say,) Bushels of Corn and Grain making into Malt,] was found by Officer of Excise on the said Kiln.

The said *E. F.* did place a certain Quantity, (that is to say,) Bushels of Malt, [*or* a certain Quantity, (that is to say,) Bushels of Corn and Grain making into Malt,] on a certain Kiln erected and kept for drying Corn and Grain, [*or* on a certain Kiln not entered for making Malt,] situate at in the said County.

The said *E. F.* did keep and use a certain Mill for the grinding of Corn, Grain, and Malt, situate at in the said County, without having made Entry thereof in manner required by the Statute in such Case made and provided.

The

The said *E. F.* did keep and use a certain Mill for the grinding of Corn, Grain, and Malt, situate at in the said County, without having his Name and Place of Abode painted on the Outside of the Door or other Entrance thereof, or on a Board on some conspicuous Part of the Outside thereof, in manner required by the Statute in such Case made and provided.

The said *E. F.* did keep a Mill for the grinding of Corn, Grain, and Malt, situate at in the said County, and did on the said Day of in the Year receive and permit and suffer to be received into and deposited in the said Mill a certain Quantity, (that is to say,) Bushels of Malt illegally made [*or* the Duties whereon had not been fully paid or secured].

The said *E. F.* did receive, keep, and conceal at in the same County a certain Quantity, (that is to say,) Bushels of Malt illegally made [*or* the Duties whereon had not been duly paid or secured].

A certain Quantity, (that is to say,) Bushels of Malt illegally made, [*or* the Duties whereon had not been fully paid and secured,] was found at in the said County of in the Possession of the said *E. F.* [*or* was found in the Dwelling House of the said *E. F.* situate at in the said County,] [*or* was found in a certain Outbuilding or Place [*or* in certain Premises] situate at in the said County, occupied by the said *E. F.*]

The said *E. F.*, not being a Maltster and Maker of Malt duly licensed, and keeping a Malthouse entered for making Malt according to Law, did at in the said County wet and steep a certain Quantity, (that is to say,) Bushels of Corn and Grain to be made into Malt.

The said *E. F.*, not being a Maltster and Maker of Malt duly licensed, and keeping a Malthouse entered for making Malt according to Law, had in his [*or* her] Custody and Possession at in the said County, [*or* in his [*or* her] Dwelling House situate at in the said County of] [*or* in a certain Outbuilding [*or* Place] situate at in the said County] occupied by him [*or* her] a certain Quantity, (that is to say,) Bushels of Corn and Grain wetted and steeped and making into Malt.

The said *E. F.*, being a Maker of Stills at in the said County, did, for the Space of Three Days after a certain Still of less Content than Two hundred Gallons made by him [*or* her] the said *E. F.* was finished, neglect to give Notice to the proper Supervisor or Officer of Excise that the said Still was ready to be gauged and stamped as required by the Statute in such Case made and provided.

The said *E. F.*, at in the said County, did import and bring a certain Still of less Content than Two hundred Gallons into *Ireland*, and did for the Space of Three Days after the Arrival of such Still neglect and omit to give Notice of the same to the proper Officer or Supervisor of Excise, as required by the Statute in such Case made and provided.

The said *E. F.* was the Owner of a certain Still of less Content than Two hundred Gallons, at in the said County, which said Still had not been previously gauged by the proper Officer of Excise, and marked in the Manner required by the Statute in such Case made and provided.

A certain Still which had not been properly gauged by the proper Officer of Excise, and marked in the Manner required by the Statute in such Case made and provided, was found in the Possession of the said *E. F.* at in the said County.

The said *E. F.*, at in the same County, did send and convey a certain Still from a certain Part of *Ireland* to another Part thereof, without having obtained a Permit, as required by the Statute in such Case made and provided, for the Removal of the said Still.

The said *E. F.*, not being a licensed Distiller, Brewer, or Maker of Vinegar, did, at in the said County, brew and make [*or* had in his [*or* her] Possession at in the said County] a certain Quantity, (that is to say,) Gallons of Worts, Wash, and Pot Ale, the same not being for the Purpose of being brewed into Beer for the private Use of him [*or* her] the said *E. F.*

The said *E. F.*, not being a licensed Distiller, did, at in the said County, distil [*or* had in his [*or* her] Possession] a certain Quantity, that is to say, Gallons of Low Wines and Singlings.

The said *E. F.*, not being licensed to use or keep a Still, had and kept at in the said County a certain Still, Still Head, and Worm of a Still.

The said *E. F.*, not being lawfully authorized thereto, had in his Possession at in the said County, [*or*] had in a certain Dwelling, Outbuilding, Place, or Premises occupied by him the said *E. F.* at a certain Quantity, (that is to say,) Gallons of Wort, Wash, and Pot Ale, not being for the Purpose of being made into Beer for private Use, [*or*] a certain Quantity, (that is to say,) Gallons of Low Wines and Singlings, [*or*] a certain Still, Still Head, and Worm of a Still.

The said *E. F.* was the Proprietor [*or* Occupier] of a certain House [*or* Place] situate at in the said County, in which a certain private and concealed Still, [*or*] Back, [*or*] Vat, [*or*] Cooler, [*or*] Vessel, used in illicit Distillation, [*or*] a certain

Quantity, (that is to say,) Gallons of private and concealed Spirits, [*or*] of private and concealed Low Wines, [*or*] of private and concealed Wort, [*or*] of private and concealed Wash, [*or*] of private and concealed Materials preparing [*or*] prepared for Distillation, [*or*] a certain Quantity, (that is to say,)
Bushels of illegally made Malt, [*or*] of Corn and Grain making into Malt, was on the said Day of in the Year aforesaid seized by one *G.H.*, Officer of Excise.

The said *E.F.* at in the said County did obstruct, oppose, molest, and hinder *G.H.*, Officer of Excise, and *I.K.*, acting in the Aid and Assistance of the said *G.H.*, in the searching for and seizing certain private and concealed Stills, Backs, Vats, Coolers, and other Vessels used in illicit Distillation.

[*or*] certain Quantities of private and concealed Spirits, Low Wines, Wash, and other Materials for Distillation.

[*or*] certain Quantities of illegally made Malt, and Corn and Grain making into Malt.

The said *E.F.* did at in the said County obstruct, *&c.* [*as before*] in detaining and keeping in the Place where the same were found, [*or*] in removing from the Place where the same were found to the next Office of Excise, certain private and concealed Stills, *&c.* [*as before.*]

The said *E.F.* did at in the said County harbour, keep, and conceal, [*or*] knowingly permitted to be harboured, kept, or concealed, [*or*] did give Aid and Assistance, [*or*] a certain Reward, to one *G.H.*, to harbour, keep, and conceal, a certain Quantity, (that is to say,)
of Spirits which had been illegally distilled, [*or*] the Duties chargeable whereon had not been paid.

The said *E.F.* at in the said County had in his Possession a certain Quantity of Spirits for which a Permit is by Law required, which said Spirits had not been duly and legally permitted and attended with a proper Permit to him [*or* her] the said *E.F.*

[*or*] a certain Quantity, (that is to say,) of Spirits, the full Duties whereon had not been fully paid.

The said *E.F.* was the Owner [*or*] Part Owner of a certain Quantity of Malt illegally made, [*or*] a certain Quantity of Corn and Grain illegally making into Malt, [*or*] a certain Still, Still Head, and Worm, [*or*] a certain Quantity of Worts, Wash, and Pot Ale, [*or*] Low Wines and Singlings, [*or*] of Spirits, [*or*] a certain Back, Vat, [*or*] Utensil, [*or*] Vessel used for illicit malting [*or*] distilling, found [*or*] discovered to have been in the Possession of one *G.H.* at in the same County.

The said *E.F.* was interested in a certain Quantity of illicit Malt, [*or*] of Corn or Grain making into Malt, [*or*] in a certain

Still, Still Head, and Worm, [*or*] in a certain Quantity of Worts, Wash, and Pot Ale, [*or*] of Low Wines and Singlings, [*or*] of Spirits illicitly made [*or*] distilled, found [*or*] discovered to have been in the Possession of one *G. H.* at in the said County.

The said *E. F.* did permit and knowingly suffer a certain private making of Malt [*or*] Distillation of Spirits to be carried on in a certain House, [*or*] Outhouse, [*or*] Yard, [*or*] Garden, [*or*] on certain Lands [*or*] Premises situate at in the said County, belonging to [*or*] in the Occupation of the said *E. F.*

No. 2.

Summons on the foregoing Complaint.

WHEREAS Complaint hath been made to me, *C. D.*, One of His Majesty's Justices of the Peace in and for the County of by *A. B.*, Officer of Excise, against you, *E. F.*, for that on the Day of in the Year you, *E. F.*, did [*as in the Complaint, using* "you" *and* "your" *for* the said *E. F.*, *or* the Dwelling of the said *E. F.*, *&c.*] contrary to the Form of the Statute, and whereby you have incurred the Penalty of : You are therefore hereby summoned to be and appear at the Hour of of the Clock on the Day of One thousand eight hundred and at before me, or such other of His Majesty's Justices as shall be then and there attending, to answer and make Defence to the Matters of the said Complaint; and in default of your Appearance the same will be heard and determined in your Absence. Dated this Day of in the Year One thousand eight hundred and thirty

(Signed) *C. D.*
J. P.

To *E. F.* of the Parish of
in the County of

No. 3.

Form of Conviction to be used for an Offence against this Act, on Complaint made where the Offender has been summoned, being liable to Arrest.

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord a Complaint was exhibited by *A. B.*, Officer of Excise, before *C. D.*, One of His Majesty's Justices of the Peace in and for the County of against *E. F.*, which said Complaint charged that on the Day of in the Year

Year of our Lord [*here state the Offence as in the Complaint*] contrary to the Form of the Statute; which Offence has been duly proved before me the said Justice: I do therefore adjudge that the said *E. F.* hath forfeited for his said Offence the Sum of [*in Cases where the Power of Mitigation is exercised, and these Words,*] which said Sum of I the said Justice adjudging the same do hereby mitigate to the Sum of . Given under my Hand and Seal, the Day of in the Year

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No. 4.

Form of Commitment to Gaol of an Offender not liable to Arrest.

County of } To *A. B.* and *G. H.*, Officers of Excise, or to either of
to wit. } them, to all others acting in their Aid and Assistance, and to the Gaoler or Keeper of the at in the .

WHEREAS *E. F.* has been convicted before me, *C. D.*, One of His Majesty's Justices of the Peace in and for the County of of having [*state the Offence as in the Complaint*] contrary to the Form of the Statute in such Case made and provided, the said *E. F.* has for such Offence been adjudged by me the said Justice to have forfeited the Sum of which Sum of has been mitigated to the Sum of ; and the said *E. F.*, having been so convicted, not having paid on such his Conviction the said last-mentioned Sum of , These are therefore to require you the said *A. B.* and *G. H.*, or either of you, forthwith to take, carry, and convey the said *E. F.* to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said ; and the said Gaoler or Keeper of the said is hereby by me the said Justice required to receive the said *E. F.* into his Custody, and him safely keep until the Expiration of Calendar Months, unless the said Sum of shall be sooner paid. Given under my Hand, at in the of , this Day of in the Year of our Lord .

No. 5.

Warrant of Distress, where such Warrant is issued.

County of } To *A. B.* and *L. M.*, Officers of Excise, to *G. H.*, Con-
to wit. } stable, and to all others acting in their Aid and Assistance.

WHEREAS *E. F.* has been duly convicted before me, *C. D.* Esquire, One of His Majesty's Justices of the Peace, of the Offence of having [*state the Offence from the Complaint*]: And whereas the said *E. F.* has forfeited for his said Offence the Sum of by me the said Justice mitigated to the Sum of

which

which said last-mentioned Sum of has not been paid; These are therefore to command you the said *A. B.*, *L. M.*, and *G. H.*, or either of you, to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said *E. F.*; and I the said Justice do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days after such Distraint, unless the said Sum of for which such Distress shall be made, together with all reasonable Charges of taking and keeping such Distress, shall be sooner paid. You the said *A. B.*, *L. M.*, and *G. H.* are hereby commanded to certify to me the said Justice, on the Day of next ensuing, what you shall do by virtue of this Warrant. Given under my Hand and Seal, at in the , this Day of in the Year of our Lord

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No. 6.

Commitment, where the Defendant is arrested.

County of } To *A. B.*, Officer of Excise, and to the Gaoler or Keeper
to wit. } of the in the

WHEREAS *E. F.* of has been convicted before me, *C. D.*, One of His Majesty's Justices in and for the of of having on the Day of in the Year of our Lord at in the County of [*here state the Offence according to the Facts in the Form below*] contrary to Form of the Statute in such Case made and provided; and he the said *E. F.* has for such Offence been adjudged by me the said Justice to have forfeited the Sum of which said Sum of has been mitigated to the Sum of ; and the said *E. F.*, having been so convicted, not having paid on such his Conviction the said last-mentioned Sum of I the said Justice do hereby commit and send the said *E. F.* to the at there to remain for the Space of Calendar Months, unless the said Sum of shall be sooner paid; and I do hereby command you the said *A. B.* to convey and deliver the Body of the said *E. F.* to the Gaoler or Keeper of the said and the said Gaoler or Keeper of the said is hereby by me the said Justice required to receive the said *E. F.* into his Custody in the said and him there safely to keep, in execution of the Judgment and Conviction aforesaid. Given under my Hand and Seal, at this Day of in the Year of our Lord .

" Been discovered in a certain Room" [*or*] " Place where the private Distillation of Spirits," [*or*] " private making and preparing of Worts, Wash, and Pot Ale," [*or*] " Singlings," [*or*] " the private making of Malt was then carrying on."

" Been found removing and carrying a certain Still, Still Head, and Worm," [*or*] " certain Spirits for which a Permit was by Law required without a lawful Permit accompanying the same."

" Been found removing and carrying certain Spirits which had been illegally distilled," [*or*] " the Duties whereon had not been paid," [*or*] " a certain Keg," [*or*] " Cask," [*or*] " Vessel which had contained illicit Spirits."

" Made, and aided and assisted in making, certain Signals to certain Persons engaged in illicit malting," [*or*] " distilling," [*or*] " carrying and conveying," [*or*] " having in their Possession certain Quantities of Malt," [*or*] " Corn or Grain making into Malt," [*or*] " a certain Still, Still Head, and Worm," [*or*] " certain Worts, Wash, and Pot Ale," [*or*] " Low Wines and Singlings," [*or*] " Spirits," [*or*] " a certain Cask, Keg," [*or*] " Vessel," in order to give Notice to such Persons of the Approach of certain Officers of Excise."

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

CAP. LVI.

An Act to establish a Court in Bankruptcy.

[20th *October* 1831.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*: 6 G. 4. c. 16.
And whereas it is expedient to provide Means of administering and distributing the Estate and Effects of Bankrupts, and of determining the Questions which from Time to Time arise touching the same, other than are provided by the said Act: To the end that the Rights, as well of the Bankrupts themselves as of their Creditors, may be enforced with little Expence, Delay, and Uncertainty as possible, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Charter or Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect and establish a Court of Judicature which shall be called "The Court of Bankruptcy," and by Commission under the Great Seal to appoint One Person, being a Serjeant or a Barrister at Law of not less than Ten Years standing, to be the Chief Judge of the said Court, and Three Persons, being Serjeants or Barristers at Law of not less than Ten Years standing at the Bar, or of Five Years standing at the Bar, having previously practised Five Years as a Special Pleader below the Bar, to be other Judges of the said Court, and Six

Establishment of a Court of Bankruptcy.

Persons, being Barristers at Law of not less than Seven Years standing at the Bar, or of Four Years standing at the Bar, having previously practised as a Special Pleader for Three Years below the Bar, to be called Commissioners of the said Court, and from Time to Time to supply any Vacancy in the Number of the said Judges and Commissioners; and the same Court shall be and constitute a Court of Law and Equity, and shall, together with every Judge and Commissioner thereof, have, use, and exercise all the Rights, Incidents, and Privileges of a Court of Record or Judge of a Court of Record, and all other Rights, Incidents, and Privileges, as fully to all Intents and Purposes as the same are used, exercised, and enjoyed by any of His Majesty's Courts of Law or Judges at *Westminster*.

The Court of Review.

II. And be it enacted, That the said Judges or any Three of them shall and may form a Court of Review, which shall always sit in public, save and except as may be otherwise directed by this Act, or by the Rules and Regulations to be made in pursuance hereof, and shall have Superintendance and Controul in all Matters of Bankruptcy, and shall also have Power, Jurisdiction, and Authority to hear and determine, order, and allow all such Matters in Bankruptcy as now usually are or lawfully may be brought, by Petition or otherwise, before the Lord Chancellor, whether such Matters may have arisen in the said Court of Bankruptcy or elsewhere, except as is herein otherwise provided, and also to investigate, examine, hear, and determine all such other Matters within the Jurisdiction of the said Court of Bankruptcy as are by this Act or may be by the said Rules and Regulations assigned and referred to the said Court of Review.

Mode of Application to Court of Review.

Mode of Appeal to the Lord Chancellor.

III. And be it enacted, That all such Matters to be heard and determined in the said Court of Review shall be brought on by way of Petition, Motion, or Special Case, according to the Rules and Regulations to be established as herein-after provided, subject to an Appeal to the Lord Chancellor on Matters of Law and Equity, or on the Refusal or Admission of Evidence only; and in all Cases of Appeal to the Lord Chancellor by virtue of this Act such Appeal shall be on a Special Case, and in no other Mode whatsoever, except the Lord Chancellor shall in any Case otherwise direct; which Special Case shall be approved and certified by One of the Judges of the said Court of Review in Matters arising in the said Court, and by the Judge trying the Issue in Matters arising out of the Trial of Issues; and the Determination of such Judge on the Settlement of such Case shall be final and conclusive: Provided always, that all Appeals to the Lord Chancellor by virtue of this Act shall be heard by the Lord Chancellor only, and not by any other Judge of the High Court of Chancery.

Court of Review may direct Issues.

IV. And be it enacted, That it shall be lawful for the said Court of Review to direct any Issue of Fact arising therein to be tried by a Jury before One of the Judges thereof, or before a Judge of Assize, and to issue Process to compel the Attendance of Jurors and Witnesses, and to enforce the Orders and Decrees of the said Court of Review, and to that end to exercise all the Powers vested for such Purposes in any of His Majesty's Courts of Record at *Westminster*.

V. And be it enacted, That all Costs of Suit between Party and Party in the said Court of Review shall be in the Discretion of the Court, and shall be taxed by One of the Masters of the High Court of Chancery. Costs in the Court of Review.

VI. And be it enacted, That the said Six Commissioners may be formed into Two Subdivision Courts, consisting of Three Commissioners for each Court, for hearing and determining the Matters and Things and making the Examinations herein-after referred thereto; and all References or Adjournments by a single Commissioner to a Subdivision Court, by virtue of this Act, shall be to the Subdivision Court to which he belongs, unless the said Commissioner, in case of the Sickness of some One or more of the Commissioners of such Subdivision Court, or other sufficient Cause, shall think fit otherwise to direct; and the said Subdivision Courts may sit either in public or private, as they shall see fit, unless where it shall be otherwise provided by this Act, or by the Rules to be made as herein-after mentioned. Subdivision Courts.

VII. And be it enacted, That in every Bankruptcy prosecuted in the said Court of Bankruptcy it shall and may be lawful for any One or more of the said Six Commissioners to have, perform, and execute all the Powers, Duties, and Authorities by any Act or Acts of Parliament now in force vested in Commissioners of Bankrupt, in all respects as if they or any One or more of them were in every Instance specially authorized and appointed for the Purpose by a separate Commission under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*; provided always, that no single Commissioner shall have Power to commit any Bankrupt or other Person examined before him otherwise than to the Care and Custody of a Messenger or other Officer of the said Court, to be by him detained in his Custody, and brought up before a Subdivision Court, or the Court of Review within Three Days after such Commitment, for which Purpose one of such Courts shall be forthwith assembled, and to which Court such Examination shall be adjourned. The Powers of Commissioners.

VIII. And be it enacted, That in lieu of the Oath directed to be taken by Commissioners under the said recited Act, every Judge and Commissioner to be appointed by virtue of this Act shall, before he shall be capable of acting in the Execution of any of the Powers and Authorities given by this Act, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,) Oath of Judges and Commissioners.

'I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me [as the Chief Judge *or* One of the Judges, *or* One of the Commissioners, *as the Case may be*, of the Court of Bankruptcy,] and that without Favour or Affection, Prejudice or Malice. So help me GOD.'

And any Judge or Commissioner having once taken the said Oath shall not again be required to take the same so long as he shall continue in Office.

IX. And

Appointment of Registrars and Deputy Registrars.

IX. And be it enacted, That it shall be lawful for His Majesty, His Heirs and Successors, under His or Their Royal Sign Manual, from Time to Time to appoint Two Registrars, and any Number not exceeding Eight Deputy Registrars, to act as such in the said Court of Bankruptcy, and to attend upon and assist the said Judges and Commissioners; which Officers so to be from Time to Time appointed shall hold their respective Offices during good Behaviour, notwithstanding the Demise of His Majesty or any of His Heirs or Successors: Provided always, that it shall be lawful for His Majesty, His Heirs and Successors, to remove any of such Officers upon a Certificate from the said Court of Review, or One of the Subdivision Courts, of some sufficient Reason, to be named therein, for such Removal.

All Attorneys and Solicitors may practise in this Court.

X. And be it enacted, That all Attorneys and Solicitors of any of the superior Courts of Law or Equity at *Westminster* may be admitted and have their Names enrolled in the said Court of Bankruptcy, without any Fee or Charge other than such as shall be allowed by this Act, or any Rule or Regulation to be made in pursuance thereof, and may appear and plead in any Proceedings in the said Court without being required to employ Counsel, (except in Proceedings before the said Court of Review, and upon the Trial of Issues by Jury); and in case any Person, not being an Attorney or Solicitor duly admitted as aforesaid, shall practise in the said Court of Bankruptcy as an Attorney or Solicitor, he shall be deemed guilty of a Contempt of the said Court, and be liable to all the Penalties incident thereto, on Complaint thereof made to the Court of Review; and that all the Laws and Statutes now in force concerning Attorneys and Solicitors shall extend to Attorneys and Solicitors practising in the said Court of Bankruptcy.

Judges to make Rules for regulating the Proceedings of the Court.

XI. And be it enacted, That the Judges of the said Court of Review, with the Consent of the Lord Chancellor, shall have Power from Time to Time to make general Rules and Orders for regulating the Practice of the said Court of Bankruptcy, the Sittings of the Judges and Commissioners thereof, and the Conduct of the other Officers and of the Practitioners therein.

The Lord Chancellor to issue a Fiat in lieu of a Commission.

XII. And be it enacted, That in every Case wherein the Lord Chancellor, by virtue of any former Act, hath Power to issue a Commission of Bankrupt under the Great Seal, it shall and may be lawful for him, and also for the Master of the Rolls, the Vice Chancellor, and each of the Masters of the Court of Chancery acting under any Appointment by the Lord Chancellor to be given for that Purpose, on Petition made to the Lord Chancellor against any Trader having committed any Act of Bankruptcy by any Creditor of such Trader, and upon his filing such Affidavit and giving such Bond as is by Law required, to issue his Fiat under his Hand in lieu of such Commission, thereby authorizing such Creditor to prosecute his said Complaint in the said Court of Bankruptcy, or to prosecute the same elsewhere before such discreet and proper Persons as the Lord Chancellor, or as the Master of the Rolls, Vice Chancellor, or One of the Masters of the Court of Chancery, acting as aforesaid, by such

such Fiat may think fit to nominate and appoint; and that the Persons so appointed shall thereby have the like Power and Authority to all Intents and Purposes as if they were assigned and appointed Special Commissioners by virtue of a Commission under the Great Seal.

Fiats to be filed in Court of Bankruptcy.

XIII. And be it enacted, That every such Fiat, prosecuted in the said Court of Bankruptcy, shall be filed and entered of Record in the said Court, and shall thenceforth be a Record of the said Court, and it shall thereupon be lawful for any One or more of the Commissioners thereof to proceed thereon in all respects as Commissioners acting in the Execution of a Commission of Bankrupt, save and except as such Proceeding may be altered by virtue of this Act.

Appointment of Country Commissioners, and Fiats to them.

XIV. And be it enacted, That the Judges who go the several Circuits in *England* and *Wales* may be directed by the Lord Chancellor from Time to Time to return to him the Names of such Number as he shall think fit to require of Barristers, Solicitors, and Attornies practising in the Counties to the said Circuits belonging, and upon such Persons being returned, and approved by the Lord Chancellor, the Fiat or Fiats aforesaid not directed to the Court of Bankruptcy shall be directed to some One or more of such Persons in Rotation to act as Commissioners of Bankrupt, according to the Districts or Places for which such Persons shall be so returned, and to no other Person than such as shall be included in such Return: Provided always, that it shall be lawful for the Lord Chancellor at any Time to remove any Person from the Lists to be so returned, for such Cause as to him shall seem fit.

Oath of Commissioners in the Country.

XV. And be it enacted, That in lieu of the Oath required by the said recited Act to be taken by Commissioners of Bankrupt, all Persons acting as such Commissioners elsewhere than in the said Court of Bankruptcy shall take an Oath to the Effect following:

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner in a Prosecution of Bankruptcy against and that without Favour or Affection, Prejudice or Malice. So help me GOD.'

Provisions of former Acts made applicable to this Act and to Fiats.

XVI. And be it enacted, That all the Laws and Statutes, Rules and Orders, now in force relating to Bankrupts, or to Commissioners of Bankrupt, or to Proceedings under such Commissions, or to the Subject Matters of such Proceedings, or to the Persons concerned therein or in any way affected thereby, shall in like Manner extend and be construed to extend in every respect, as far as the same may be applicable, to this Act, and to Fiats issued in pursuance thereof, and to all Proceedings under the same, and to all the Subject Matters of such Proceedings, and to all Persons concerned therein or in any way affected thereby, to all Intents and Purposes whatsoever, as if every such Fiat were a Commission of Bankrupt under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, save and except as may be otherwise directed by this Act.

Manner of Proceeding in case the Bankrupt shall dispute the Adjudication.

XVII. And be it enacted, That if any Trader adjudged bankrupt shall be minded to dispute such Adjudication, and shall present a Petition praying the Reversal thereof to the said Court of Review, such Petition to be presented within Two Calendar Months from the Date of such Adjudication if such Trader shall be then residing within the United Kingdom, or within Three Calendar Months from the Date aforesaid if then residing in any other Part of *Europe*, or within One Year from the Date aforesaid if then residing elsewhere, or within such other Time as the said Court shall allow, (not exceeding One Year, to be computed from the Date aforesaid,) such Court of Review shall proceed to hear and decide on the said Petition; or, at the Option of the said Bankrupt, and on his finding such Security for Costs (if the said Court shall think fit to require any Security) as by the said Court shall be approved, shall direct an Issue to try any Matter of Fact affecting the Validity of such Adjudication by a Jury, to be duly impannelled and sworn for that Purpose, before the Chief Judge or any One or more of the other Judges of the Court of Bankruptcy; and if the Verdict on such Issue shall not be set aside, on Application made to the said Court of Review, within One Month after the said Trial, or if the Adjudication of the Commissioner shall not be set aside by the said Court of Review on the Petition aforesaid, such Verdict or such Adjudication of the said Commissioner shall in all Cases, as against the said Bankrupt, and also as against the Petitioning Creditor, and as against any Assignee to be chosen of any such Bankrupt's Estate and Effects, and as against all Persons claiming under the said Assignees, and all Persons indebted to the Bankrupt's Estate, be conclusive Evidence that the Party was or was not a Bankrupt at the Date of such Adjudication, any other Act, Debt, or Trading than the Act, Debt, or Trading proved at such Trial notwithstanding: Providing always, that an Appeal shall be to the Lord Chancellor from the Decision of the said Court of Review, upon Matter of Law or Equity, or on the Refusal or Admission of Evidence only.

Fiat to issue on Petition to Lord Chancellor.

XVIII. Provided always, and be it further enacted, That after any such Issue shall have been tried as aforesaid, it shall and may be lawful for the Lord Chancellor, on Petition to him, to be presented within One Calendar Month after such Verdict, and upon Notice thereof to the Bankrupt, upon special Circumstances, to be submitted to the said Lord Chancellor, to order that another Fiat do issue at the Instance of any other than the former Petitioning Creditor against the said Bankrupt, and that such Fiat shall and may be supported by any Debt, Trading, or Act of Bankruptcy other than those given in Evidence on the Trial of such Issue.

Power to annul Fiat.

XIX. And be it enacted, That it shall be lawful for the Lord Chancellor, upon the Reversal of any Adjudication of Bankruptcy, or for such other Cause as he shall think fit, to order that any Fiat issued by virtue of this Act shall be rescinded or annulled; and such Order shall have all the Force and Effect of a Writ of Supersedeas of a Commission according to the existing Laws and Practice in Bankruptcy.

XX. And

Meetings of Creditors.

XX. And be it enacted, That it shall be lawful for any Commissioner who shall make any Adjudication of Bankruptcy to appoint Two or more public Meetings, instead of the Three Meetings directed by the said recited Act, for the Bankrupt to surrender and conform, the last of which said Meetings shall be on the Forty-second Day after the Publication of his Bankruptcy in the *Gazette*; and the Choice of Assignees shall take place at the first of such Two Meetings.

Powers given to the Commissioners may be exercised by the Judges.

XXI. And be it enacted, That in all Cases in which Power is by this Act given to any One of the said Commissioners to act, such Power shall and may in like Manner be exercised by the said Chief Judge, or by any One of the said other Judges, as Occasion may require; and where any such Judge so acting would, in case he were a Commissioner, make any Reference or Adjournment to a Subdivision Court, such Reference or Adjournment shall be made by such Judge to the Court of Review instead of to a Subdivision Court.

Appointment of Official Assignees.

Their Duty.

XXII. And be it enacted, That a Number of Persons not exceeding Thirty, being Merchants, Brokers, or Accountants, or Persons who are or have been engaged in Trade in the Cities of *London* or *Westminster* or the Parts adjacent, shall be chosen by the Lord Chancellor to act as Official Assignees in all Bankruptcies prosecuted in the said Court of Bankruptcy; One of which said Official Assignees shall in all Cases be an Assignee of each Bankrupt's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors; such Official Assignee to give such Security, to be subject to such Rules, to be selected for such Estate, and to act in such Manner as the said Chief and other Judges, with the Consent of the Lord Chancellor, shall from Time to Time direct; and all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Bankrupt, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the said Court of Bankruptcy or any Judge or Commissioner thereof; and all Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, *India* Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *England*, to the Credit of the Accountant General of the High Court of Chancery, to be subject to such Order, Rule, and Regulation, for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Lord Chancellor, or the said Court of Review, or any Judge of the said Court of Bankruptcy, if authorized so to do by any General Order of the same Court, shall direct; and if any such Assignee shall neglect to make such Transfer, Delivery, or Payment, every such Assignee shall be liable to be charged in the same Manner as by the said recited Act is provided in Cases of Neglect by Assignees to invest Money in the Purchase of Exchequer Bills, when directed so to do: Provided always, that until Assignees shall be chosen by the Creditors of

of each Bankrupt, such Official Assignee so to be appointed to act with the Assignees to be chosen by the Creditors shall be enabled to act, and shall be deemed to be, to all Intents and Purposes whatsoever, a sole Assignee of each Bankrupt's Estates and Effects.

Proviso restricting the Authority of Official Assignees.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend to authorize any such Official Assignee to interfere with the Assignees chosen by the Creditors in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Bankrupt's Estates or Effects.

For filling up Vacancies in the Number of Assignees.

XXIV. And be it enacted, That it shall be lawful for the Lord Chancellor, from Time to Time as any Vacancy may occur in the said before-mentioned Number of Official Assignees, to appoint some other such Person as aforesaid to fill any Vacancy so occurring; and in case of the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy, it shall be lawful for the said Court of Bankruptcy, subject to any Rules to be made by virtue of this Act, to appoint another Official Assignee of the Number hereby prescribed to act in the same Bankruptcy in the Place of the Assignee who shall have so become dead or been removed.

Personal Estate to vest in Assignees.

XXV. And be it enacted, That when any Person hath been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, which by the Laws now in force may be assigned by Commissioners acting in the Execution of a Commission against such Bankrupt, shall become absolutely vested in and transferred to the Assignees or Assignee for the Time being, by virtue of their Appointment, without any Deed of Assignment for that Purpose, as fully to all Intents as if such Estate and Effects were assigned by Deed to such Assignees and the Survivor of them; and as often as any such Assignees shall die, or be lawfully removed, and a new Assignee duly appointed, all such Personal Estate as was then vested in such deceased or removed Assignee shall by virtue of such Appointment vest in the new Assignee, either alone or jointly with the existing Assignees, as the Case may require, without any Deed of Assignment for that Purpose.

Real Estate how to vest.

XXVI. And be it enacted, That where any Person shall have been adjudged a Bankrupt, all such present and future Real Estate of such Bankrupt, whether in the United Kingdom of *Great Britain* and *Ireland*, or in any of the Dominions, Plantations, or Colonies belonging to His Majesty, as by the said recited Act is directed to be conveyed by the Commissioners to the Assignees, shall vest in such Bankrupt's Assignee or Assignees for the Time being, by virtue of his or their Appointment, without any Deed of Conveyance for that Purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone or

jointly with the existing Assignees, as the Case may require, without any Conveyance for that Purpose.

In Cases where a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Assignee shall be registered.

XXVII. Provided always, and be it enacted, That where according to any Laws now in force any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or any of the Dominions, Plantations, or Colonies belonging to His Majesty, then, in every such Case, such Certificate as hereafter is described of the Appointment of an Assignee or Assignees shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid, for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of an Assignee or Assignees as aforesaid, or the vesting of such Property in him or them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the Date of such Appointment; and as regards all other Places, within Twelve Months from the Date thereof.

Seal of the Court.

XXVIII. And be it enacted, That the said Judges of the said Court of Bankruptcy shall cause to be made a Seal of the said Court, in such Form as they shall think fit, and shall cause to be sealed therewith all such Proceedings, Documents, and Copies as by the Law now in being, or by this Act, or by any Rule or Order of the said Court, shall be required to be so sealed.

Evidence of Appointment of Assignees.

XXIX. And be it enacted, That a Certificate of the Appointment of such Assignees, purporting to be under the Seal of the said Court of Bankruptcy, shall be received as Evidence of such Appointment, in all Courts and Places whatsoever, without further Proof.

Adjournment of Examinations to Subdivision Courts.

XXX. And be it enacted, That any One of the said Six Commissioners, if he think fit, may adjourn the Examination of any Bankrupt or other Person to be taken either before a Subdivision Court or the Court of Review, and may likewise adjourn the Examination of a Proof of Debt to be heard before a Subdivision Court; which said Court shall proceed with such last-mentioned Examination, and finally, and without any Appeal, except upon Matter of Law or Equity, or of the Refusal or the Admission of Evidence, shall determine upon such Proof of Debts: Provided always, that in case, before the said Commissioner or Subdivision Court, both Parties, the Assignees or the major Part of them, and the Creditor, consent to have the Validity of any Debt in dispute tried by a Jury,

Trial of disputed Debts.

an Issue shall be prepared under the Direction of the said Commissioner or Subdivision Court, and sent for Trial before the Chief Judge or One or more of the other Judges; and if One Party only applies for such Issue, the said Commissioner or Subdivision Court shall decide whether or not such Trial shall be had, subject to an Appeal as to such Decision to the Court of Review.

Certain Decisions of Commissioners may be brought under Review or appealed against.

XXXI. And be it enacted, That if such Commissioner or Subdivision Court shall determine any Point of Law or Matter of Equity, or decide on the Refusal or Admission of Evidence in the Case of any disputed Debt, such Matter may be brought under Review of the Court of Review by the Party who thinks himself aggrieved, and the Proof of the Debt shall be suspended until such Appeal shall be disposed of, and a Sum not exceeding any expected Dividend or Dividends on the Debt in dispute in such Proof may be set apart in the Hands of the said Accountant General until such Decision be made; and in like Manner there may be an Appeal on the like Matter of Law or Equity from the Court of Review to the Lord Chancellor.

Determination of Court of Review in favour of Appeals touching such Decisions to be final, unless appealed against within One Month.

XXXII. And be it enacted, That if the Court of Review shall determine in any Appeal touching any Decision in Matter of Law upon the whole Merits of any Proof of Debt, then the Order of the said Court shall finally determine the Question as to the said Proof, unless an Appeal to the Lord Chancellor be lodged within One Month from such Determination; and in case of such an Appeal, the Determination of the Lord Chancellor thereupon shall in like Manner be final touching such Proof; but if the Appeal, either to the Court of Review or the Lord Chancellor, shall be allowed in relation to the Admission or Refusal of Evidence, then and in that Case the Proof of the Debt shall be again heard by the Commissioner or Subdivision Court, and the said Evidence shall be then admitted or rejected accordingly.

New Trial of Issues.

XXXIII. And be it enacted, That after any Issue by this Act authorized shall be tried, a new Trial may be moved in the Court of Review, which new Trial shall be granted or refused according to the Rules of the Common Law and the Practice of the Courts of *Westminster* in granting or refusing new Trials.

Proof of Debts by Affidavits.

XXXIV. And be it enacted, That it shall be lawful for any Creditor to make Proof of his Debt by Affidavit, sworn before One of the said Judges or Commissioners, or before a Master in Chancery, Ordinary or Extraordinary, or, if such Creditor shall live out of *England*, by Affidavit sworn before a Magistrate where such Creditor shall be residing, and attested by a Notary Public, *British* Minister or Consul; subject nevertheless to such Rules and Orders touching the personal Attendance of any Creditor to make such Proof according to the existing Laws and Practice in Bankruptcy as the said Court of Review, with the Consent of the Lord Chancellor, shall from Time to Time make and direct.

Assignees may appoint the Bankrupt to super-

XXXV. And be it enacted, That in every Case the Assignees may, with the Approbation of the proper Subdivision Court, appoint the Bankrupt himself to superintend the Management of the Estate, or

to carry on the Trade for behoof of the Creditors, and in all or any other respects they may think fit to aid them in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate. intend the Management of the Estate.

XXXVI. And be it enacted, That the Court of Review shall have Power to remove any Assignee of any Estate; and the Order of such Court thereupon shall be final and conclusive to all Intents and Purposes, and not subject to any Review by the Lord Chancellor or otherwise. Removal of Assignees.

XXXVII. And be it enacted, That in case the Lord Chancellor shall deem any Matter of Law or Equity brought before him by way of Appeal from the Court of Review to be of sufficient Difficulty or Importance to require the Decision of the House of Lords, or in case both Parties in any Proceeding before the Court of Review shall desire that any such Matter may be determined in the first instance by the House of Lords, and not by the Lord Chancellor, then and in such Case the Lord Chancellor or the Court of Review may direct the whole Facts whereupon such Question of Law or Equity shall arise to be stated in the Form of a Petition of Appeal to the House of Lords, and the Party appealing may carry such Appeal to the House of Lords in like Manner as other Appeals are preferred to that House: Provided always, that the Cases to be lodged by the Parties in the House of Lords shall be confined in Matter of Fact, in Cases of Appeal from the Lord Chancellor, to setting forth the special Case brought up to the Lord Chancellor from the Court of Review, and in Cases of Appeal from the said Court of Review, to setting forth a special Case, to be approved and certified in manner herein-before provided touching Appeals to the Lord Chancellor, and to such Arguments on the Point of Law as the Parties may be advised to state. Appeal to the House of Lords.

XXXVIII. And be it enacted, That the said Judges and Commissioners of the said Court of Bankruptcy shall in all Matters within their respective Jurisdictions have Power to take the Whole or any Part of the Evidence either *vivâ voce* on Oath, or upon Affidavits to be sworn before One of the said Judges or Commissioners, or a Master, Ordinary or Extraordinary, in Chancery, as the said Court may in any Case direct, or as the Lord Chancellor may from Time to Time prescribe, by any General Rule to be made by virtue of this Act. The Court may take Evidence vivâ voce, or upon Affidavit before a Judge or a Master.

XXXIX. And be it enacted, That all Power, Jurisdiction, and Authority of the Commissioners named in any Commission of Bankrupt depending in the Court of Commissioners of Bankrupts in the City of *London* shall cease and determine, and that every such Commission shall thereupon be removed into the said Court of Bankruptcy, and that all further Proceeding thereon shall be thenceforth prosecuted and carried on in like Manner as if they had been originally commenced therein by virtue of a Fiat under the Hand of the Lord Chancellor, issued pursuant to this Act, save as may be otherwise directed by this Act. Commissions depending in London to be removed into the Court of Bankruptcy.

XL. And

Power to appoint Official Assignees to act with the existing Assignees under such Commissions, and to whom the latter shall deliver over Effects.

XL. And be it enacted, That it shall be lawful for each Commissioner of the said Court who shall thenceforth act in such Commission, at his Discretion, to appoint some One of the aforesaid Official Assignees to act with the existing Assignees, if any, under such Commissions, and to direct the existing Assignees to pay and deliver over to such Official Assignees all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Commission shall immediately on such Appointment vest in such Official Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the said Bankruptcy had originally been commenced by virtue of this Act, without Prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the passing of this Act.

Construction and Extent of this Act.

XLI. And be it enacted, That wherever this Statute hath used Words importing the Singular Number or the Masculine Gender only, yet it shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that wherever the Words Lord Chancellor are used, they shall also be understood to mean Lord Keeper and Lords Commissioners for the Custody of the Great Seal; and that this Act shall not extend either to *Scotland* or *Ireland*, except where the same are expressly mentioned or referred to.

Concerted Bankruptcies.

XLII. And be it enacted, That from and after the passing of this Act no Commission of Bankrupt shall be superseded, nor any Fiat annulled, nor any Adjudication reversed, by reason only that the Commission, Fiat, or Adjudication has been concerted by and between the Petitioning Creditor, his Solicitor or Agent, or any of them, and the Bankrupt, his Solicitor or Agent, or any of them, save and except where any Petition to supersede a Commission for any such Cause shall have been already presented and shall be now pending.

Arbitration.

XLIII. And be it enacted, That if the Assignees of any Bankrupt's Estate shall agree to refer any Matter in dispute with any Party to Arbitration, in such Manner as by Law they are empowered to do, such Agreement of Reference may be made a Rule of the Court of Bankruptcy by this Act constituted, and thereupon all such Rights and Remedies, Duties and Liabilities, shall accrue from such Reference so made a Rule of the said Court, in respect of Arbitration and Award, and Nonperformance of such Award, and otherwise howsoever, as by Law at present accrue upon any Submission of Reference made a Rule of any of His Majesty's other Courts of Record.

Abolition of Fees to Patentee.

XLIV. And be it enacted, That all Fees heretofore payable to the Person holding the Patentee's Office "for the Execution of the Laws and Statutes concerning Bankrupts," shall cease and determine; and that

that no Fee whatever shall be payable to any Person whomsoever holding any Office under or by virtue of this Act, except such as are provided by this Act, or in the Schedules hereto annexed, and except the Fees payable to any Commissioner acting in the Execution of any Commission or Fiat issued or to be issued, and to be executed elsewhere than in the Court of Bankruptcy.

Sum to be paid to the Secretary of Bankrupts on the granting of every Fiat; and Application thereof.

XLV. And be it enacted, That there shall be paid to the Lord Chancellor's Secretary of Bankrupts, upon the granting of every Fiat, in lieu of a Commission of Bankrupt, by virtue of this Act, the Sum of Ten Pounds; and the Sums to be so received by the said Secretary shall be by him paid Once a Week, or oftener, as the Lord Chancellor shall think fit to direct, into the Bank of *England*, to the Credit of the Accountant General of the High Court of Chancery, to a separate Account, to be entitled "The Secretary of Bankrupts Account;" and all Monies to be paid into the said Account shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of such Monies for the Purposes herein-after provided, as the Lord Chancellor shall from Time to Time think fit to prescribe.

Assignee of Bankrupt's Estate to pay 20*l.* to the like Account.

XLVI. And be it enacted, That there shall be paid to the said Accountant General, to be placed by him to the like Account by the Official Assignee of each Bankrupt's Estate to be administered in the said Court of Bankruptcy, out of the first Monies that shall come into his Hands, and immediately after the Choice of Assignees by the Commissioners, the Sum of Twenty Pounds.

Sums to be paid on all Commissions moved into the Court of Bankruptcy.

XLVII. And be it enacted, That in all Cases of Commissions of Bankrupt which by virtue of the Provisions herein contained shall be removed into the said Court of Bankruptcy, and under which the Choice of Assignees shall have taken place prior to the Commencement of this Act, there shall be paid by the Assignees of every such Bankrupt's Estate, in lieu of all other Sums directed to be paid under and by virtue of this Act, the Sum of Three Pounds on every Sitting under such Bankruptcy which shall be held in the said Court, or by any Division Judge or Commissioner thereof; such Sum to be paid to the said Accountant General, and to be carried to the said Account entitled "The Secretary of Bankrupts Account:" Provided always, that no Fee whatever shall be paid on any Meeting for the Purpose of auditing the Assignees Accounts, unless there shall appear to the Commissioners to be sufficient Assets of the Bankrupt's Estate for the Payment thereof.

Restriction of Fees on auditing Assignees Accounts.

Power for the Secretary of Bankrupts to receive the Fees in the First Schedule.

XLVIII. And be it enacted, That it shall be lawful for the Lord Chancellor's Secretary of Bankrupts for the Time being, and his Clerks, and he and they are hereby respectively authorized and required, to receive and take the several Fees and Sums set forth in the First Schedule hereto annexed, in respect of the Business therein specified; and the Amount to be so received shall be by the said Secretary applied in Payment of Salaries to a Messenger and Housekeeper, and the various other Expences of his Office, and the Surplus (if any) of such Moneys shall and may be retained for his own Use.

Power for the Chief Registrar to receive the Fees in the Second Schedule.

XLIX. And be it enacted, That it shall be lawful for the Chief Registrar of the said Court of Bankruptcy for the Time being, and his Clerks, and he and they are hereby respectively authorized and required, to receive and take the several Fees or Sums set forth in the Second Schedule hereto annexed, in respect of the Business therein specified; and the Amount to be so received shall be by him applied in Payment of such Salaries or Sums of Money to Clerks, Ushers, and other Under Officers of the said Court of Bankruptcy, as the Lord Chancellor may from Time to Time order and direct; and the yearly Surplus (if any) of such Monies shall be divided between the Two Registrars, or between them and the Deputy Registrars of the said Court, in such Proportions as the Lord Chancellor shall appoint.

Salaries of Judges and other Officers of the Court.

L. And be it enacted, That from and after the Commencement of this Act there shall be paid and payable, out of the Monies and Securities standing to the said Account to be entitled "The Secretary of Bankrupt's Account," the yearly Sums following, as and for Salaries to the Judges and other Officers for the Time being hereinafter named; *videlicet*, to the Chief Judge of the said Court of Bankruptcy the Sum of Three thousand Pounds, to each of the other Judges of the said Court the Sum of Two thousand Pounds, to each of the Commissioners of the said Court the Sum of One thousand five hundred Pounds, to the Lord Chancellor's Secretary of Bankrupts the Sum of One thousand two hundred Pounds, to each of the Registrars of the said Court the Sum of Eight hundred Pounds, to each of the Deputy Registrars of the said Court the Sum of Six hundred Pounds, to the First Clerk of the said Secretary of Bankrupts the Sum of Five hundred Pounds, and to the Second Clerk of such Secretary the Sum of Three hundred Pounds; which said several Sums shall be paid from Time to Time quarterly, free and clear from all Taxes and Deductions whatsoever, on the Eleventh Day of *April*, the Eleventh Day of *July*, the Eleventh Day of *October*, and the Eleventh Day of *January* in every Year, by equal Portions, the first Payment thereof respectively to be made on the Eleventh Day of *April* next; and that if any Person for the Time being holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionable Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment; and that the Successor of any such Person so dying, resigning, or being removed as aforesaid shall be entitled to receive such Portion of his Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal.

Restriction as to Judges and other Officers practising as Barristers, or being Attornies.

LI. And be it enacted, That no Judge, Commissioner, Registrar, or Deputy Registrar to be appointed by virtue of this Act shall during their respective Continuance in such Offices practise as a Barrister, and that no Attorney or Solicitor whose Name shall be on the Rolls of the said Court of Bankruptcy, or of any of His Majesty's Courts at *Westminster*, as such Attorney or Solicitor, shall be appointed to or hold any of the said Offices.

Provision for Compensation to the Patentee of Bankrupts.

LII. And whereas the Office of the Patentee "for the Execution of the Laws and Statutes concerning Bankrupts" is now held by the Reverend *Thomas Thurlow*, by virtue of a Grant thereof by Letters Patent made to him for the Term of his natural Life, and the same Office hath also been granted by Letters Patent to the Honourable *William Henry John Scott* for the Term of his natural Life, after the Termination of the previous existing Interest therein: And whereas the Duties of the said Office, and the Fees and Emoluments payable in respect thereof, will by virtue of the Provisions of this Act be wholly discontinued; and it is just and reasonable that such Compensation as is herein-after provided should be made to the said Patentees, in lieu of such Fees and Emoluments; be it therefore enacted, That the Accountant General and the Two senior Masters of the High Court of Chancery shall be and they are hereby appointed Commissioners for the Purpose after mentioned; and the said Commissioners shall, within Six Months after the passing of this Act, by Examination on Oath or otherwise, which Oath they and each of them are and is hereby authorized to administer, inquire into and ascertain the Amount of the annual clear legal Profits and Emoluments of the said Office, to be computed on an Average of the last Three Years, (after deducting all Payments accustomed to be made thereanent,) and shall certify such Amount in Writing under their Hands to the Lord High Chancellor, whereupon an Annuity equal to such Amount shall forthwith become a Charge on an Account to be opened by the said Accountant General, and to be entitled "The Secretary of Bankrupts Compensation Account," and shall be paid and payable to the said *Thomas Thurlow* during his natural Life, and from and after his Decease to the said *William Henry Scott* during his natural Life, in case he shall survive the said *Thomas Thurlow*; which Annuity shall commence and be computed from the Eleventh Day of *January* next, and be payable half-yearly by equal Portions on the Eleventh Day of *July* and the Eleventh Day of *January* in every Year, the first of such Payments to be made on the Eleventh Day of *July* next: Provided always, that in case of the Death of either of the said Patentees in the Interval between either of the said half-yearly Days of Payment, his Executor or Administrator shall be entitled to receive a proportionate Part of the Annuity then payable to the Day of his Decease; and that the said *William Henry John Scott*, in case he shall survive the said *Thomas Thurlow*, shall be entitled to receive on the next half-yearly Day of Payment after his Decease a proportionate Part only of his said Annuity from the Day of such Decease.

Compensation to Commissioners, Clerk of the Hanaper, &c.

LIII. And whereas the Duties of the several Persons now acting as Commissioners of Bankrupt in *London*, and the Fees and Emoluments accustomed to be received by them, will be abolished by the Provisions of this Act, and the Clerk of the Hanaper, Purse-bearer, and other Officers of the Lord Chancellor and of the High Court of Chancery, have been accustomed to receive certain Fees, which will also be abolished by this Act; and it may be just and necessary that in all or some of such Cases Compensation should be made in respect of such Fees so to be abolished; be it enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by Examination

tion on Oath or otherwise, which Oath they and each of them are and is hereby authorized to administer, to inquire into and ascertain the annual Amount of the lawful Fees and Emoluments of such Commissioners and other Officers received by them, and to award to all and every or such One or more of the said Commissioners as they the said Lords of the Treasury shall deem to be entitled to the same, an Annuity or Annuities, of such an Amount and for such Term as the said Lords of the Treasury shall find to be a fair and reasonable Compensation for the Loss to be sustained by all or any of the Commissioners and Officers aforesaid, by the Abolition of the said Fees, and shall certify the Amount of such Annuity or Annuities, in Writing under their Hands, to the Lord High Chancellor, who shall thereupon have Power to order the Amount so certified as payable to each Commissioner or other Officer to be paid out of the Moneys and Securities to be standing to the said Account to be entitled "The Secretary of Bankrupts Compensation Account;" and the same shall be payable and paid accordingly to the respective Persons aforesaid, without any Deduction whatsoever: Provided always, that the annual Sum to be so payable to any One of the said Commissioners of Bankrupt shall not exceed the Sum of Two hundred Pounds, and shall not be paid to any such Commissioner who at the Commencement of this Act or at any Time afterwards shall hold any public Office or Employment of an annual Value greater than the Annuity to be so certified as payable to him, or be in the Receipt of any yearly Sum of Money in lieu of or as a Compensation for the Proceeds of any such Office or Employment exceeding in Amount such Annuity, so long as any such Office or Employment shall be so held, or such Sum of Money shall continue to be received.

Proviso as to Compensation to Clerk of the Hanaper.

LIV. Provided always, and it is hereby further enacted, That the Annuity or Compensation hereby directed to be made to the Clerk of the Hanaper shall be fixed and regulated upon the same Computation and in like Manner as is above provided with respect to the Annuity or Compensation for the Patentee of the Bankrupts Office.

Fees to be paid into the Bank by Official Assignee.

LV. And be it enacted, That for the Purpose of raising a Fund to meet the Compensations herein-before directed to be made to the said Patentees and Commissioners of Bankrupt, there shall be paid by the Official Assignee of each Bankrupt's Estate to be administered in the said Court of Bankruptcy, immediately after the Choice of the Assignees by the Creditors, or so soon afterwards as a sufficient Sum shall come into his Hands for the Purpose, over and beyond the Sum herein-before directed to be paid by such Official Assignee, the Sum of Ten Pounds, into the Bank of *England*, to the Credit of the said Accountant General, to be carried to a separate Account to be entitled "The Secretary of Bankrupts Compensation Account;" and in like Manner there shall be paid to the said Accountant General, to be placed by him to the like Account, by such Official Assignee, for every Sitting of the said Court of Bankruptcy, or of any Division Judge or Commissioner thereof, other than the Sitting at which any Person may be adjudged a Bankrupt, or any Sitting for the Choice of Assignees, or any Sitting for receiving Proofs of Debt prior to such Choice, or any Sitting at which any Bankrupt shall pass

pass his or her last Examination, or any Sitting at which any Dividend shall be declared, or any Sitting at which the Bankrupt's Certificate shall be signed by the Commissioners, the Sum of One Pound, and for every such Sitting at which a Dividend shall be declared a Sum of Money or Fee according to the Amount at such Sitting ordered to be divided, such Fee being regulated by the following Scale, *videlicet*, for all Sums not exceeding Ten thousand Pounds Ten Shillings in every One hundred Pounds, and for any Excess above Ten thousand Pounds Two Shillings and Sixpence in the One hundred Pounds; such several Payments to be made within One Week after such Sittings respectively shall be held; and all Monies to be paid into the said last-mentioned Account shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of such Monies for the Purposes herein-before provided, as the Lord Chancellor shall from Time to Time think fit to prescribe; and when and as such last-mentioned Compensations shall from Time to Time cease to be payable, it shall be lawful for the said Lord Chancellor, as he may see fit, to direct that lesser Sums shall be paid by the said Official Assignees at the several Times and for the Purpose last aforesaid.

In case of a Surplus in the Secretary of Bankrupt's Account, the Lord Chancellor may order an Abatement of Fees.

LVI. And be it further enacted, That if at any Time it shall appear to the Lord Chancellor that the Monies and Securities standing to the said Account to be entitled "The Secretary of Bankrupts Account," together with the Fees expectant and to be payable to such Account, shall be sufficient to answer and pay the several Salaries and other Payments for the Time being chargeable thereon, and to leave a Surplus applicable to the Purpose after mentioned, it shall be lawful for the Lord Chancellor to order such Abatement to be made in the Fees herein-before made payable by the Secretary of Bankrupts and by the said Official Assignees, or by either of them, to the said Account to be entitled "The Secretary of Bankrupts Account," as may to the said Lord Chancellor from Time to Time seem just and reasonable.

Remuneration to Official Assignee.

LVII. And be it enacted, That it shall be lawful for the Commissioner before whom any Person shall be adjudged a Bankrupt in the said Court of Bankruptcy, or who shall appoint an Official Assignee under the Power herein-before given for that Purpose, to order and allow to be paid out of the Bankrupt's Estate, to the Official Assignee thereof, as a Remuneration for his Services, such Sum of Money as shall appear to such Commissioner, upon Consideration of the Amount of the Bankrupt's Property, and the Nature of the Duties to be performed by such Official Assignee, to be just and reasonable.

Penalty on any Officer taking Fees.

LVIII. And be it enacted, That if any Judge, Commissioner, Registrar, Deputy Registrar, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for any thing done or pretended to be done under this Act, or any other Act relating to Bankrupts, or under colour of doing any thing under this Act or any other such Acts, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in

Trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or any Thing of Value whatsoever, other than is allowed by this Act, and any other such Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any Office or Place whatsoever under His Majesty, His Heirs or Successors.

Offences against this Act.

LIX. And be it enacted, That any such Offender may be prosecuted either by Information at the Suit of His Majesty's Attorney General or by Criminal Information before His Majesty's Court of King's Bench, or by Indictment: Provided always nevertheless, that if any Registrar, Deputy Registrar, Clerk, Messenger, or Assignee shall commit any Offence against this Act, it shall and may be lawful for the Court of Review or the Lord Chancellor to dismiss the Person so offending, upon Proof made before him or them of such Offence having been committed, upon a Rule to shew Cause: Provided further, that if such Court, on Cause being shewn, shall think fit to direct an Issue to be tried touching the Matter of the said Charge, such Issue may be tried before the said Chief Judge or One of the other Judges of the said Court of Review.

Judges and Officers under this Act ineligible to sit in Parliament.

LX. And be it enacted, That no Judge, Commissioner, Registrar, or Deputy Registrar, Secretary of Bankrupts, or Official Assignee, or other Officer to be appointed by virtue of this Act, shall during their respective Continuance in such Offices be capable of being elected or of sitting as a Member of the House of Commons.

Commencement of this Act.

LXI. And be it enacted, That this Act shall commence and take effect from and after the passing thereof, as to the Appointment of the Judges and other Officers hereby authorized, and as to all other Matters and Things, from and after the Eleventh Day of *January* next.

The FIRST SCHEDULE of Fees before referred to.

	£	s.	d.
For every Docket struck, and not acted upon	1	12	6
For every renewed Fiat	0	12	0
For every Petition of Appeal answered for Hearing	0	13	6
For every Order on Hearing	1	5	0
For every previous Minute of Order	0	3	6
For every Warrant for advertising Declaration of Insolvency	0	2	6
For every Certificate of a Fiat issued to authorize Advertisement in the Gazette	0	2	6
For every Search made for Fiat or other Proceeding	0	1	0
For filing Affidavits and other Documents	0	1	0
For Copies of Affidavits, Orders, and other Proceedings, *per* Folio of Ninety Words	0	0	1½

The SECOND SCHEDULE of Fees before referred to.

	£	s.	d.
On filing every Fiat	0	1	0
For every Certificate of Bankrupts Conformity	0	6	6
On entering every Appeal for Hearing in the Court of Review	0	2	0
For every Order pronounced by that Court	1	5	0
For every previous Minute or Order	0	2	6
For entering every Matter for Hearing in a Subdivision Court	0	1	0
For every Order pronounced there	0	5	0
For Fees on the Trial of every Issue, to be paid by the successful Party	2	0	0
For every Search made in the Court	0	1	0
For filing Affidavits and other Documents	0	1	0
For Copies of Affidavits, Orders, and other Proceedings, per Folio of Ninety Words	0	0	1½
For every Subpœna ad Test. and other Writ issued out of the Court	0	2	0

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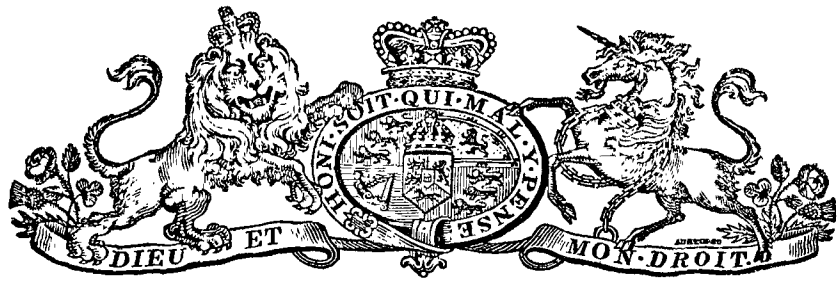

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LVII.

An Act to empower Landed Proprietors in *Ireland* to sink, embank, and remove Obstructions in Rivers. [20th *October* 1831.]

WHEREAS it has been ascertained, as well by the Reports of certain Commissioners appointed under the Authority of Parliament in the Year One thousand eight hundred and nine, as otherwise, that there are throughout *Ireland*, contiguous to the Banks of Rivers and Streams and Lakes, many large Tracts of Lands, some covered with Water for not less than Half the Year, some periodically flooded, and others subject to frequent Damage and Inundation by reason of the Defect of Embankments and Interruptions in the Channels of such Rivers and Streams: And whereas the said Tracts of Lands comprise generally the finest alluvial Soil, and, although in their present Condition of little Value, would, if protected against Inundation, become productive and fertile in an eminent Degree: And whereas the Reclamation and Protection of such Lands would be advantageous to the Proprietors thereof, and would conduce to the Health of such Districts, and afford beneficial Employment to the distressed Labouring Poor; but by reason of the various Modifications of Interests and Estates in such Lands, and the legal Incapacity of Persons having such Interests, and the Defect of Co-operation in them, the same cannot be accomplished without the Authority of Parliament: Be it therefore enacted by the King's most Excellent Majesty, by and with the

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Persons shall be desirous of undertaking the Execution of the Works provided for by this Act, and shall in manner and upon and after the Observance and Performance of the Preliminaries herein-after directed, make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall so think fit, to issue a Commission authorizing and constituting such Persons Undertakers for the Execution of such of the Works provided for by this Act as may be included in such Application, or any of them; and such Persons, and their several and respective Successors, Executors, Administrators, and Assigns, and all and every other Person and Persons, Body and Bodies Politic or Corporate, Corporations Aggregate or Sole, who shall, according to the Conditions herein-after set forth, be or at any Time become possessed of any Part of the Joint Stock herein-after mentioned, and their several and respective Executors, Administrators, Successors, and Assigns, (so long as they respectively, or their respective Executors, Administrators, Successors, or Assigns, shall hold Shares in the said Joint Stock, and no longer,) shall be and are hereby declared, by virtue and force of such Commission as aforesaid, to be and become, from the Date of the issuing thereof, Undertakers for making, completing, and executing the Works authorized to be made, completed, and executed by the said Commission, and shall have, use, and exercise all such Powers and Authorities as herein-after appointed to be used and exercised by such Undertakers, as fully and effectually as if particularly named in this Act, and shall for those Purposes be a Joint Stock Company by the Name of "The Company of Under-"takers under an Act [*herein setting out the Title of this Act*], within "the District of [*herein setting out the Name of the District within "which the Jurisdiction of the said Undertakers is to be exercised, or "any one principal Denomination of Land lying therein*]."

Persons desirous of undertaking any Works provided for by this Act to make Application to the Lord Lieutenant, who may issue a Commission authorising the same, and constituting the Persons a Joint Stock Company.

II. And be it enacted, That it shall and may be lawful for such Persons or Bodies so constituted such Company of Undertakers as aforesaid to raise and contribute among themselves, in such Proportions as they may have severally subscribed for and agreed to advance in manner herein-after directed, such Sum or Sums of Money as shall, according to the Estimate herein-after directed to be made, be necessary for the Execution of the Works mentioned in the said Commission, and authorized to be performed thereunder; and the Money so subscribed, or such Part thereof as shall be necessary and required, shall, when paid in, be considered as a Capital or Joint Stock, and the same is hereby vested in the aforesaid Subscribers, their Executors, Administrators, Successors, and Assigns, holding for the Time being Shares in the said Stock, in proportion to the Sum he, she, or they and each of them shall have severally subscribed and contributed thereto; and the Capital Sum so raised and contributed shall be divided into such Number of Parts or Shares as may have been agreed upon in the original Agreement or Subscription herein-after directed to be made and entered into; and a sufficient Part

Company may raise Subscriptions, which are to form their Capital or Joint Stock.

thereof shall be laid out and applied, in the first place, in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining such Commission, and the making of the proper Surveys, Maps, Plans, Specifications, and Estimates, and the doing and providing all such Matters and Things as by this Act directed and required preparatory and previous thereto; and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making or completing and maintaining the Work or Works for which such Money shall have been subscribed, and the other Purposes specified in this Act.

Not to incorporate any Company of Undertakers.

III. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to render or make any Company of Undertakers constituted under any Commission as aforesaid a Body Politic or Corporate.

Company may sue and be sued in the Name of their Chairman or of any Three Members.

IV. And be it further enacted, That all Actions, Suits, and Proceedings, whether at Law or in Equity, or otherwise, to be commenced, instituted, and prosecuted or carried on by or on behalf of the said Company of Undertakers against any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members of the said Company of Undertakers, or not, shall and lawfully may be commenced, instituted, and prosecuted, or carried on in the Name of the Person who shall be for the Time being the Chairman of the Committee of Management of the said Company of Undertakers, or in the Name of any Three Members for the Time being of the said Company of Undertakers, as the nominal Plaintiff or Party proceeding for and on behalf of the said Company of Undertakers; and that all Actions, Suits, and Proceedings, whether at Law or in Equity, or otherwise, to be commenced, instituted, and prosecuted or carried on against the said Company of Undertakers by or on behalf of any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members of the said Company of Undertakers, or not, shall and lawfully may be commenced, instituted, and prosecuted or carried on against the Person who shall be for the Time being such Chairman of the said Committee of Management of the said Company of Undertakers, or against Three Members for the Time being of the said Company of Undertakers, as the nominal Defendant or Party proceeded against, for and on behalf of the said Company of Undertakers; and that all Prosecutions to be commenced, instituted, or carried on by or in behalf of the said Company of Undertakers against any Person or Persons for Embezzlement, Robbery, or stealing of the Monies, Goods, Effects, or Property of the said Company of Undertakers, or for Fraud upon or against the said Company of Undertakers, or for any other Crime or Offence committed against or with Intent to injure or defraud the said Company of Undertakers, shall and lawfully may be so commenced or instituted and carried on in the Name of such Chairman of the said Committee of Management of the said Company of Undertakers, or any such Three Members

Members for the Time being of the said Company of Undertakers; and in all Indictments and Informations to be had or preferred by or on the Part of the said Company of Undertakers, it shall be lawful to state the Monies, Goods, Effects, or Property of the said Company of Undertakers to be the Monies, Goods, Effects, or Property of such Chairman of the Committee of Management of the said Company of Undertakers for the Time being; and any Crime or Offence committed against or with Intent to injure or defraud the said Company of Undertakers shall and lawfully may in such Indictments or Informations be laid or stated to have been committed against or with Intent to injure or defraud such Chairman of the Committee of Management for the Time being of the said Company of Undertakers; and any Offender or Offenders may thereupon be lawfully convicted of any such Crime or Offence; and in all other Indictments, Informations, Allegations, or other Proceedings, at Law or in Equity, or otherwise, in which it would otherwise have been necessary to state the Names of the Persons composing the said Company of Undertakers, it shall and may be lawful and sufficient to state the Name of such Chairman of the Committee of Management of the said Company; and no Action, Suit, or other Proceeding to be commenced, instituted, and prosecuted or carried on by or against the said Company of Undertakers by virtue of this Act, in the Name of such Chairman of the Committee of Management of the said Company of Undertakers, shall abate or be discontinued or prejudiced by the Death, Resignation, Removal, or Disqualification of such Chairman of the Committee of Management of the said Company of Undertakers, or by any Act of such Chairman of the Committee of Management of the said Company; but the Chairman of the Committee of Management for the Time being of the said Company of Undertakers, or any Three Members for the Time being as aforesaid, shall always be deemed the Plaintiff or Party proceeding, or (as the Case may be) the Defendant or Party proceeding against, for or on behalf of the said Company of Undertakers in such Action, Suit, or Proceeding.

Company to have Power to hold and sell Lands.

V. And be it enacted, That it shall be lawful for the said Company of Undertakers and they are hereby empowered to treat and agree for the Purchase of, and to hold to them, their Successors and Assigns, for the Use of the said Undertaking, any Houses, Buildings, Lands, Tenements, and Hereditaments which may be, in the Opinion of the Engineer or Engineers employed by such Company, deemed useful or necessary for the said Undertaking, and any subsisting Leases, Terms, Estates, and Interests therein and Charges thereon, or such of them or such Part or Parts thereof respectively as the said Company of Undertakers shall think proper, and to procure Renewals of any Lease or Leases, Licence, or Liberty, and to sell and dispose of any such Lands, Tenements, or Hereditaments which such Company may be or become interested in or seised of.

Description of proposed Works, and Map, &c. to be lodged

VI. And be it enacted, That in Cases where Application is intended to be made for the Purpose of obtaining any Commission under this Act, a Description and Specification of the Work or Works intended to be undertaken thereunder, together with a Map, Plan,

Plan, and Section of the Grounds and Lands within which it is proposed to execute such Work or Works, shall be deposited for public Inspection at the Office of the Clerk of the Peace of the County or Counties and each and every of them in which such Grounds or Lands shall lie, at least Thirty Days before such Application shall be made; and such Map and Plan shall describe the Line, Course, and Situation of all Streams, Watercourses, Drains, Rivers, and Lakes which it is proposed to clear, scour, or embank, and of any and every intended Variation, Abridgment, or Enlargement of the same, and the Lands in and through which the same is intended to be made, and the Parishes, Townlands, and Baronies or Half Baronies in which the same may lie; and there shall also, in like Time and Place, be deposited a Book of Reference, containing a List or Lists of the Names of the Owners or reputed Owners and Occupiers of all such Lands respectively; and such Map and Plan shall also mark and describe the Streams, Watercourses, Drains, and Rivers which it is proposed to clear, scour, or embank; and such Section shall specify the Levels, and describe the same by Feet and Inches; and the respective Clerks of the Peace, or their Deputies, are hereby required to make a Memorial in Writing upon the Plan, Map, and Book of Reference and Section deposited with them as aforesaid, denoting the Time at which the same was and were lodged in their respective Offices, and at all seasonable Hours of the Day permit any Person to view and examine the same, and to make Copies or Extracts therefrom, such Person paying for the same the usual and accustomed Fees paid to such Clerks of the Peace for the Inspection and copying of or making Extracts from Records in their respective Offices.

with the Clerk of the Peace for Inspection 30 Days before Application made.

VII. And be it enacted, That in Cases where any such Application as aforesaid is intended to be made, a Notice of such intended Application, specifying the Names of every County, Barony, Half Barony, Townland, and Parish in which it may be proposed to exercise the Authority of the Commission to be applied for in manner aforesaid, shall be inserted Three Times, Forty Days at least before making such Application, in some one and the same Newspaper of every County in or through which any such Streams, Watercourses, Drains, Rivers, or Lakes as shall be proposed to be cleared, scoured, or embanked, or to be varied, extended, or enlarged, may run or flow, or if there is no such Newspaper printed therein respectively, then in the Newspaper of some County adjoining or near thereto; and that Notices to the like Purport and Effect, printed or written on Paper, shall be affixed on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for every County, Riding, or Division in or through which any such Streams, Watercourses, Drains, Rivers, or Lakes as shall be so proposed to be cleared, scoured, or embanked, varied, extended, or enlarged, shall run or flow, at least Forty Days before such Application shall be made.

Notice of intended Application to be inserted 3 Times in County Newspaper 40 Days before Application, and affixed to Doors of Sessions Houses.

VIII. And be it enacted, That the Persons or Bodies Corporate and Politic desirous of obtaining such Commission as aforesaid shall, in the first place, cause an Estimate to be made of the probable Cost and Expence of making and performing all such Work or Works as they may be desirous of undertaking, and shall enter into a Sub-

Conditions to be observed by Persons desirous of obtaining a Commission.

a Subscription, and agree to raise, if necessary, the Amount of such Estimate among themselves, in such Proportions and by such Number of Shares as they shall think convenient; and the Sum so subscribed shall constitute the Capital Stock of the Company of Undertakers created by such Commission; and such Shares so subscribed for and agreed upon shall be numbered in regular numerical Progression, and every Share for ever afterwards distinguished by the Number assigned to the same; and the said Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute the same, and their respective Executors, Administrators, and Assigns, to and for their respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof, not exceeding in the whole their proportionable Part of the said Sum so by them subscribed towards carrying on and completing the Work or Works authorized by the said Commission to be made, shall be entitled to and receive, after the said Drainage and Embankment and other Work or Works shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages, subject to such Provisions as herein-after contained determining the same, as shall or may arise or accrue by or from the Assessment, Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, according to the true Intent and Meaning thereof, and shall also from Time to Time bear and pay a like due and just Proportion of the Money required for carrying on the Drainage and Embankment and Undertaking in the Manner herein-after directed: Provided always, that nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with or for any Debt or Demand due or to become due from or by the said Company of Undertakers, or in anywise relating to the said Undertaking or any of the Matters or Things authorized by this Act to be made, done, or completed, beyond the Extent of his, her, or their Stock or Share of the Capital Stock of the said Company of Undertakers, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares of Company to be Personal Property.

IX. And be it enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person and Persons, of and in the said Undertaking or the Joint Stock or Fund of the said Company of Undertakers, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Lists of assenting, dissenting, and

X. And be it enacted, That before any Application to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*

shall be made for such Commission as aforesaid, Application shall be previously made to the Owners or reputed Owners or Occupiers of all the Lands lying within the District to the Extent of which it is by such Application sought to exercise the Powers of such Commission; and that separate Lists be made of the Names of such Owners and Occupiers, distinguishing which of them, upon such Application, have assented to or dissented therefrom, or are neuter in respect thereto, and in case of Assent and Dissent, whether the same be to or from the Application for such Commission *in toto*, or the Execution of some and which of the Works proposed to be executed thereunder.

neutral Owners and Occupiers to be made out before Application for a Commission.

XI. And be it enacted, That upon receiving the Application in Form by this Act directed, accompanied by Duplicates of the Maps, Plans, Specifications, Sections, and Lists herein-before directed to be lodged with the Clerk of the Peace, together with the Estimate herein directed to be made, and an Account of the Money subscribed for the Purpose of raising the Amount thereof, together with the Names of the Subscribers and the Sums by them subscribed respectively, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Under Secretary, shall cause Notice of such Application to be inserted in the *Dublin Gazette*, and shall appoint some skilful Engineer to survey the Lands and Grounds in or on which it is proposed to perform the Work or Works described in such Application, and to form an Estimate of the probable Costs and Expence of executing the same, and to report the same, as well as his Opinion of the Utility of the said proposed Work or Works and each and every of them; and if such Report shall recommend such Work or Works or any of them, and shall approve the Estimate of the Cost of making and executing the same, it shall and may be lawful for the said Commission to issue, and the same shall be issued accordingly: Provided always, that no such Commission shall issue unless the Owners or reputed Owners of at least Two Thirds of the Extent of the Lands comprised in the District within which the Powers sought by such Application are to be exercised shall have assented thereto; and that for the Purpose of such Assent or Dissent, the Person or Persons in actual Occupation of such Lands or Tenements, either personally or by his or her Under-tenants, and having therein either an Estate for Life or a Term of Years whereof Twenty-one Years shall be then unexpired, shall be deemed and taken to be the Owner or Owners thereof, and have and enjoy the sole Right of expressing Assent or Dissent in respect of the same; and in default of any Expression of Assent or Dissent on the Part of such Person or Persons, then and in such Case that the Person having the first Estate of Inheritance in such Lands shall be deemed the Owner or Owners thereof, and have and enjoy the Right of assenting or dissenting as aforesaid; and in default of any Expression of Assent or Dissent on the Part of any such Persons as aforesaid, then and in such Case the actual Occupier, whether as Tenant for Years under any Lease or Demise, or as Tenant from Year to Year, shall have and be entitled to and exercise the Right of assenting or dissenting as aforesaid.

Lord Lieutenant empowered to issue Commission under certain Conditions.

XII. And

Manner of proceeding in doubtful Cases.

XII. And be it enacted, That if any Owner or Occupier of Land within the proposed Limits of such Commission shall apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, against the issuing of the said Commission, and that any Doubt or Question shall arise as to the Compliance of the Parties applying for the same with the Requisitions of this Act, or as to the Assent or Dissent of the Owner or Occupier aforesaid, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if the Matter of such Memorial shall seem to him or them to render further Investigation proper or necessary, to refer the same to the Assistant Barrister of any County to which any Part of the District within which it may be proposed to execute the Jurisdiction of the said Commission may belong; and such Assistant Barrister is hereby authorized and required, at the next ensuing Quarter Sessions, to hear all Parties interested, and to report his Opinion to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, who shall have Power to issue or withhold such Commission, according to his or their Discretion; and the reasonable Costs of such Reference to the said Assistant Barrister, and Hearing thereon, shall be paid by the said Company, or by the said Owners or Occupiers applying by Memorial as aforesaid, as the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, and in default of Payment may be raised and levied by Distress and Sale of the Goods or Chattels of the Person or Persons who ought to pay the same, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the same County; and any such Justice is hereby authorized and required to issue such Warrant when so directed by the Chief Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Meeting of Landowners and Occupiers to be summoned upon issuing of Commission.

XIII. And be it enacted, That immediately upon the issuing of the Commission creating any Company of Undertakers under the Provisions of this Act, the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall summon a Meeting of all Owners and Occupiers of Lands or Grounds within the District to which the Jurisdiction of such Commission shall extend, and that Notice of the Time and Place appointed for such Meeting shall be inserted in the *Dublin Gazette* Seven Days at least previous thereto, and shall also be inserted Three several Times in some One Newspaper published in the County wherein such Meeting shall be appointed to be held, and if none be therein published, then in a Newspaper published in some adjacent County, Seven Days at least previous thereto, and that like Notice thereof shall also be fixed upon the Door of each and every Sessions House where the General Quarter Sessions shall be held for every County, Riding, or Division, any Portion of which shall lie within the Limits of the Jurisdiction of such Commission, and also on the Doors of all and every the Houses of Worship situate within the Parish or Parishes to which the Lands comprised within such Jurisdiction as aforesaid belong, at least Seven Days before such Meeting; and the Persons assembled at such Meeting summoned as aforesaid shall proceed to nominate and appoint, by Majority of Votes to be taken in manner herein-after provided, One Person to act for and in behalf of the Owners

Owners and Occupiers of Lands and Grounds within the Limits of the Jurisdiction aforesaid in making the Survey and Valuation herein-after directed to be made.

Regulations with respect to Votes of Occupiers at such Meetings.

XIV. And be it enacted, That at such Meeting of Owners and Occupiers, summoned as aforesaid, it shall not be lawful for more than One Person to vote for or in respect of the same Lands or Tenements entitling any Person to vote at such Meeting; and that the Party in actual Occupation of such Lands or Tenement, either personally or by his or her Under-tenants, and having therein either an Estate for Life or a Term of Years whereof Seven Years shall be then unexpired, shall have and enjoy the Right of voting at such Meeting to the Exclusion of all other Persons having any other Estate or Interest in the said Lands or Tenement; and in the Absence of any Person occupying as aforesaid, and having such Estate for Life or Term whereof so many Years shall be unexpired, then and in such Case the Person having the first vested Estate of Inheritance in such Lands or Tenement shall have, exercise, and enjoy the Right of voting at such Meeting in respect of such Lands; and in the Absence of any Person having such Estate for Life, or such Term of Years, or such Estate of Inheritance in such Lands or Tenement, then and in such Case it shall be lawful for the actual Occupier thereof, whether as Tenant for Years under any Lease or Demise, or as Tenant from Year to Year, to have, exercise, and enjoy the Right of voting at such Meeting in respect of such Lands; and that in case of Equality of Votes, the Chairman of such Meeting shall have one casting Vote in addition to the Vote or Votes to which under the Provisions herein-after following he may be entitled.

As to voting by Joint Tenants, &c.

XV. And be it enacted, That any Number of Persons interested in any Lands or Tenement as Joint Tenants, Tenants in Common, Coparceners, Coheirs, or Coheiresses, shall be entitled to vote only as One Person; and if such Persons cannot agree, then and in such Case they shall have no Vote; and that Corporations Aggregate shall vote by their Attorney lawfully constituted in such Manner as Attornies for Corporations ought to be constituted; and that Infants and Lunatics shall vote by their respective Guardians or Committees.

Right of voting by Landowners.

XVI. And be it enacted, That every Person having a Right to vote at such Meeting as aforesaid shall be entitled to One Vote for every Twenty Acres of Land which he may have or hold respectively, and so in progession of One Vote for every complete Quantity of Twenty Acres in the Seisin or Possession of such Person, not exceeding Six Votes in the whole, whatever be the Number of Acres which may be in the Seisin or Possession of such Person: Provided always, that no Person shall be entitled to be present or vote at such Meeting for or in respect of any smaller Quantity than Twenty Acres of Land.

Company of Undertakers to appoint

XVII. And be it enacted, That the Company of Undertakers created by the said Commission as aforesaid shall elect and nominate,

some Person to act for them in the Survey and Valuation.

nate, under the Hand of the Chairman of their Committee of Management to be appointed in manner herein-after provided, some One fit and judicious Person to act for and in behalf of such Company of Undertakers in making the Survey and Valuation herein-after directed to be made.

Lands liable to be affected by the Drainage to be surveyed and valued by Persons appointed as herein mentioned.

XVIII. And be it enacted, That the Person so appointed by the Owners and Occupiers of the Lands aforesaid, and the Person so nominated and appointed by the said Company of Undertakers as herein-before directed, shall, with a fit and skilful Engineer or Surveyor to be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, who is hereby authorized and required to nominate and appoint such Engineer or Surveyor, proceed to make a full and complete Survey and Valuation of all the Lands and Tenements which, according to the Map, Plan, and Specification herein-before required to be made and delivered, are liable in anywise to be affected by the Drainage, Scouring, Embankment, or other Works therein specified and proposed to be made and carried on within the District of the Jurisdiction of such Commission; and such Two Persons, with the said Engineer or Surveyor, shall likewise inquire and ascertain the average annual Value for Seven Years last past of such Lands and Tenements, and how far the same may in anywise have been affected by the overflowing or Encroachment of any Water, and the Amount of Damage (if any) sustained thereby, and shall for such Purpose have Power and they are hereby authorized to enter in and upon the Grounds and Lands of all Persons whomsoever, and to survey and take Levels of the same or any Part thereof, and to call any Person or Persons whom they shall see fit before them, and examine such Persons on Oath, or in the Case of a Quaker on solemn Affirmation, (which Oath or Affirmation they are hereby authorized and empowered to administer,) touching any Circumstances or Particulars of the State or Condition of the said Lands or Grounds, and for the Purpose of obtaining such Information as may be necessary for the Completion of such Survey and Valuation, as hereby required to be made.

Company to determine the Amount of Remuneration to Engineer, Surveyor, &c.

XIX. And be it enacted, That the said Company of Undertakers shall fix and determine the Amount of Remuneration to be allowed to the said Engineer or Surveyor, and other Persons appointed to make such Survey and Valuation, either by assigning a gross Sum or a certain Rate *per* Diem to be paid to them for their Trouble and Labour therein, together with an Allowance for their Outlay and Disbursements in and about such Survey and Valuation; and such Remuneration and Allowance shall be paid by the said Company of Undertakers out of the first Monies which shall come to their Hands.

Surveyor and other Persons to take an Oath.

XX. And be it enacted, That the Engineer or Surveyor, and other Persons appointed for the Purpose of making such Survey and Valuation aforesaid under the Provisions of this Act, shall, before proceeding upon such Valuation and Survey, take the following Oath; that is to say,

I *A. B.*

'I *A. B.* do swear, That I will faithfully and honestly, according to the best of my Skill and Ability, execute and perform the Powers and Authorities vested and reposed in me by and under the Provisions of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to the Directions of the said Act, and according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.' Form of Oath.

And that such Oath shall and may be administered by any of His Majesty's Justices of the Peace, sitting in Petty Sessions, of the County in which the Lands or any of them so to be surveyed and valued shall be situate; and if the said Engineer or Surveyor or other Person shall proceed to make such Survey or Valuation, in execution of this Act, without having first taken and subscribed the said Oath, every such Engineer or Surveyor or other Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*.

XXI. And be it enacted, That so soon as the said Survey and Valuation shall be completed, a Copy thereof shall be deposited, by the Surveyor or Engineer and other Two Persons making the same, at some convenient Place within or near to the District whereof such Survey and Valuation shall have been made, and that Notices shall be affixed on the Door of each and every Sessions House and Parish Church within the District aforesaid, and also inserted in some Newspaper in like Manner as has been herein-before appointed in respect of Notices of the Meeting of Land Owners and Occupiers summoned as aforesaid, specifying at what Place and in whose Hands such Survey and Valuation may have been deposited, and fixing and appointing a Place within the District of the Jurisdiction aforesaid, where, upon a Day to be named in such Notice, being not less than Twenty-one Days from the Date of such Notice, the said Engineer or Surveyor with the other Two Persons aforesaid will attend to hear any Objections which may be made to such Survey and Valuation by any Member of the said Company of Undertakers, or Land Owner or Occupier or other Person interested in any Lands or Tenements included in such Survey and Valuation; and that it shall be lawful for such Surveyor or Engineer and other Two Persons to hear and determine any such Objections as may be then and there made to such Survey and Valuation, or to adjourn the further hearing of such Objections, if they shall so think fit, to a future Time, giving due Notice to the Parties making such Objections of such Adjournment; and it shall and may be lawful for such Surveyor or Engineer and other Two Persons to examine any Person or Persons on Oath, or in the Case of Quaker or Quakers on solemn Affirmation, touching any such Objections, (which Oath or Affirmation they or any of them are and is hereby authorized and empowered to administer,) and on such Hearing and Examination to cause the Survey and Valuation so made as aforesaid to be amended or altered as may to them appear

A Copy of the Survey and Valuation to be deposited in some Place within the Limits of the Commission.

appear proper and reasonable, and finally to adjust and settle the same.

Survey and Valuation to be transmitted to Chief or Under Secretary of Lord Lieutenant.

Members or Owners may demand a Copy.

XXII. And be it enacted, That so soon as the Survey and Valuation herein-before directed to be made shall have been finally settled and determined, the Surveyor or Engineer and other Two Persons making such Survey and Valuation shall transmit the same, authenticated by the Signatures of each and every of them, to the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and that every Person being a Member of the said Company of Undertakers, or being an Owner or Occupier of any Grounds or Lands included in such Survey and Valuation, shall be entitled to demand and receive, of and from the said Engineer or Surveyor and other Two Persons, a Copy of such Survey and Valuation, paying the reasonable Costs of preparing the same.

Any former Survey may be used.

XXIII. Provided always, and be it enacted, That if the Engineer or Surveyor and other Two Persons appointed as herein-before directed to make such Survey and Valuation as aforesaid shall be satisfied of the Authenticity and Accuracy of any Survey theretofore made of any Lands or Grounds required to be surveyed and valued for the Purposes herein-before mentioned, it shall and may be lawful for such Surveyor or Engineer and other Two Persons to make use of such former Survey for the Purposes of this Act, instead of making a new Survey of any Grounds or Lands included in such former Survey.

Company to meet at some convenient Place within the District of the Commission.

XXIV. And be it further enacted, That the said Company of Undertakers shall meet at some convenient Place situate within or near to the Limits of their Jurisdiction, upon some Day not more than One Calendar Month next after the Date of the Commission whereby they may be constituted such Company of Undertakers as aforesaid; and in default of their Meeting within such Period, the said Commission shall be and become utterly void, and it shall not be lawful or competent for them to take any Proceeding thereunder.

Company to proceed in execution of this Act, with Power of Adjournment.

XXV. And be it enacted, That the said Company, meeting as aforesaid, shall thereupon proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, and from Place to Place within the Limits of the Jurisdiction of the said Commission, as they shall think fit; and from and after the first General Meeting of the said Company of Undertakers there shall be a General Meeting of the said Company of Undertakers on the first *Monday* in every Month, and also such and so many Special General Meetings of the said Company of Undertakers as the Committee of Management herein-after directed to be appointed shall think fit and appoint; which said General Meetings and Special General Meetings shall be called by Summons, delivered at least Three Days previous to such Meeting, to each and every Member of the said Company of Undertakers, or left at his usual Place of Abode, or otherwise, as may be deemed expedient by the said Company; and in the Case of each Special General Meeting, the Notices delivered or left as aforesaid shall specify the Purpose for which any such Special

General Meeting is called; and all Meetings of the said Company shall be held at such Places within the Limits of the Jurisdiction of the said Commission as the said Committee of Management for the Time being shall appoint, and the same may be adjourned from Time to Time, and from Place to Place within the Limits aforesaid, as shall be found expedient, and be agreed upon thereat.

Special General Meetings.

XXVI. And be it enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned Special or General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Chairman of first and subsequent General Meetings.

XXVII. And be it enacted, That at the first General Meeting of the said Company of Undertakers, or Adjournment thereof, the Proprietor present holding the greatest Number of Shares in the said Undertaking, or if Two or more Persons present shall hold the same Number of Shares, then and in such Case of those Persons the Person whose Name stands first on the Subscription List shall be Chairman of such Meeting; and at all subsequent Meetings of the said Company the Chairman of the Committee of Management, to be chosen as herein-after mentioned, or in his Absence the Deputy Chairman of the said Committee of Management, or in his Absence some One of the said Committee of Management to be chosen at such Meeting, or in the Absence of all the said Committee any Proprietor to be chosen at such Meeting, shall preside as Chairman; and every such Chairman as aforesaid shall, in addition to his Vote or Votes as a Proprietor or Proxy, have, in case of an Equality of Votes, the decisive or casting Vote.

Chairman to have casting Vote.

Committee of Management to be chosen at first General Meeting.

XXVIII. And be it enacted, That the said Company of Undertakers, at their first General Meeting to be held as herein-before mentioned, or at some Meeting or Meetings to be held by Adjournment from such General Meeting, shall choose and elect such Number of Persons, not exceeding Twelve, as the said Meeting shall think fit, to be called the Committee of Management, to manage the Affairs of the said Company of Undertakers; and that the Persons so to be elected Members of the said Committee shall be Proprietors respectively possessed in their own Right of Six Shares at the least in the said Undertaking; and that of the Number of Persons so elected Members of such Committee as aforesaid, Two Thirds shall be competent to act, and do and perform all such Matters and Things as by the Provisions of this Act the said Committee of Management may be authorized and empowered to do and perform.

For filling up Vacancies in case of Resignation, &c.

XXIX. And be it enacted, That when and so often as any Person who may have been elected a Member of the said Committee of Management as aforesaid shall die, or shall resign, or shall cease to hold such Number of Shares in the said Company as it has been herein-before provided that each Member of the said Committee shall hold, and in all Cases of Vacancies in the said Committee, any how happening, it shall be lawful for the said Company of Under-

takers at their next General Meeting, whereat One Half at least of the Proprietors of the Shares in such Undertaking shall attend, to elect One or more Persons, as may be necessary, duly qualified as aforesaid, to fill up such Vacancy or Vacancies arising or having arisen in manner aforesaid; provided that it shall and may be competent for the surviving or remaining Members of the said Committee of Management, if not less than Two Thirds of the whole original Number, notwithstanding any such Vacancy or Vacancies, to do all such Acts and Things as the said Committee might have done if such Vacancy or Vacancies had not happened.

Powers of Committee of Management.

XXX. And be it enacted, That so soon as the Committee of Management of the said Company of Undertakers shall have been elected as aforesaid, it shall and may be lawful for them and they are hereby empowered to nominate and elect from their own Body One Person to be Chairman of such Committee, and another Person to be Deputy Chairman thereof; and the said Committee of Management shall also have Power, when they think fit, to convene Special General Meetings in the Manner herein-before directed; and such Committee shall carry into effect the Resolutions and Directions of such General and Special General Meetings in execution of the Powers given to the said Company of Undertakers under and by virtue of their Commission and this Act, and shall superintend all Works which may be undertaken by the said Company; and the said Committee of Management shall keep or cause to be kept a Book or Books wherein shall be entered the Minutes of the Proceedings of the said Committee, and shall also keep an Account or Accounts of all Disbursements by them made, and all Money by them received, and such Books and Accounts shall be open to the Inspection at all convenient Times of all Persons holding any Share or Shares in the said Undertaking; and all Questions on which any Difference of Opinion may arise in the said Committee shall be determined by Majority of Votes of the Members thereof, and the Chairman shall not vote except in case of Equality of Votes, and shall in such Case have a casting Vote: Provided always, that in such Committee it shall not be lawful for any Member thereof to have more than One Vote, nor to vote by Proxy: And provided further, that it shall not be lawful for the said Committee of Management, except with the Concurrence and Sanction of such General or Special General Meeting as aforesaid, to enter into or make any Contract or Contracts, nor to sell or purchase any Lands, Grounds, or Premises, any thing herein contained to the contrary in anywise notwithstanding.

Company, at a General Meeting whereat One Half shall be present, to elect Treasurer and Clerk, and take Security from them.

XXXI. And be it enacted, That the said Company of Undertakers shall, at some General Meeting whereat the Proprietors of not less than One Half of the whole Number of Shares in the Stock of the said Company shall attend, elect, and choose a Treasurer and Clerk for transacting the Business of the said Company of Undertakers; and it shall be lawful for the said Company, at any subsequent General or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any Person who shall be hereafter elected and appointed to their respective Offices; and shall also from Time

Time to Time elect and choose, in manner aforesaid, any other Person to act as Clerk or Treasurer of the said Company of Undertakers, in room of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company of Undertakers to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from any Person who shall be appointed Treasurer of the said Company of Undertakers, and from every Receiver, Collector, or other Officer having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall have entered thereupon.

Clerk and Treasurer not to be the same Person.

XXXII. Provided always, and be it enacted, That it shall not be lawful for the said Company of Undertakers to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer of the said Company, nor to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk to the said Company of Undertakers; and if any such Person shall act in both the Capacities of Clerk and Treasurer, or if any Person, being the Partner of any such Clerk or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act or in any Manner officiate as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Company of Undertakers other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Company may make Bye Laws.

XXXIII. And be it enacted, That the said Company of Undertakers shall have Power and Authority from Time to Time, at any such General or Special General Meeting as aforesaid, to make such Rules, Orders, and Bye Laws as shall seem right and proper for the good Government of the Officers and Servants of the said Company of Undertakers, and for regulating the Proceedings of the said Committee, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make and impose and inflict reasonable Fines and Forfeitures upon all such Persons offending against the same, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures

feitures to be levied and recovered by such Ways and Means as are herein-after mentioned; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons, being Members or Servants of the said Company, who shall act under the same; provided that such Rules, Bye Laws, and Orders shall not be repugnant to the Provisions of this Act, nor to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Persons interested not to be on the Committee.

XXXIV. Provided always, and be it enacted, That no Person holding any Office, Place, or Employment, other than that of Chairman or Deputy Chairman as aforesaid, or being concerned in or interested in any Contract or Contracts under the said Company of Undertakers, shall be capable of being elected or acting as a Member of the Committee of Management of the said Company.

Names of Subscribers and the Numbers of their Shares to be registered.

XXXV. And, for the better securing to the several Subscribers towards the said Drainage and Embankment and Undertaking their respective Shares therein, be it enacted, That the said Company of Undertakers, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Drainage, Embankment, and Undertaking, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk to the said Company of Undertakers, and after such Entry to cause to be subscribed and attested by the Chairman or Deputy Chairman appointed as aforesaid with his Hand and Seal, which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time subscribed and attested in manner aforesaid, as the Change of Proprietors and Transfer of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Drainage, Embankment, or Undertaking, bearing respectively the same Numbers as in the said Books, and the said Tickets or Instruments shall be signed and sealed by the Chairman or Deputy Chairman as aforesaid; and every Subscriber towards the said Drainage, Embankment, or Undertaking shall be entitled to have or receive upon Demand a Ticket or Tickets specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and every such Subscriber shall pay to the Clerk to the said Company Two Shillings and Sixpence and no more for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence, in all Courts whatsoever, of the Title of such Subscriber, his, her, or their Executors, Administrators, Successors or Assigns, to the Share therein specified; but the Want of any such Ticket or Instrument shall not prevent or hinder the Owner or Owners of any Share from selling or disposing thereof, or from receiving, as herein-after provided, his, her, or their Share of the Profits of the said Drainage, Embankment, or Undertaking, in respect thereof; and if any Subscriber having any Share in the said Undertaking shall lose or destroy his Ticket or Instrument bearing the Number of the Share of which

he may be possessed in the said Undertaking, it shall and may be lawful for the Clerk of the said Company of Undertakers to give such Person applying for the same another Ticket, similar to that which was so lost or destroyed, but with the Word "Duplicate" endorsed thereon, and bearing the same Number thereon, and for which Ticket or Instrument such Person shall pay to the said Clerk the Sum of Two Shillings and Sixpence.

Persons holding Shares in the Undertaking to have One Vote for every Share, and may vote by Proxy.

XXXVI. And be it further enacted, That every Body and Bodies Politic, Corporate, or Collegiate, or Person or Persons, who shall, pursuant to the Provisions of this Act, have subscribed for or shall become entitled to and be in the actual Possession of any Share or Shares in the said Undertaking, and their, his, or her respective Successors, Executors, Administrators, and Assigns, shall have One Vote for each and every such Share which they, he, or she shall have subscribed for or shall become entitled to in the said Undertaking; and that the Votes of the Members of the said Company of Undertakers shall and may be given either by the respective Parties having or entitled to Shares therein in Person, or by their respective Attornies, Agents, or Proxies, constituted, in the Case of any Body Politic or Corporate, under the Seal of such Body Politic or Corporate, and in the Case of other Proprietors under their respective Hands and Seals; and every Vote by Attorney, Agent, or Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Meeting of the said Company of Undertakers, shall be determined by the Majority of Votes and Proxies then present; and at every Meeting thereof the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy shall be made according to the following Form, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby substituted, and other Circumstances, will admit of; (that is to say,)

Questions to be determined by Majority of Votes, and Chairman to have the casting Vote.

Form of Proxy.

'*A. B.*, being the Proprietor of a Share or Shares in the Company of Undertakers for the District of [*here set out the Title of the said Company*], doth hereby appoint of to be the Proxy of the said in [his] Name, or otherwise, and in his Absence to vote or give his Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking which shall be mentioned or proposed at any General or Special General Assembly of the said Company of Undertakers, in such Manner as he the said shall think proper, according to his Opinion and Judgment, for the Benefit of such Undertaking or any thing appertaining thereto. In witness whereof the said hath hereunto set Hand and Seal [*or* Common Seal] the Day of .'

Lunatics may vote by Committees, and Minors by Guardians.

XXXVII. And be it enacted, That in case any Proprietor entitled to vote at such Meetings as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting or Meetings by his

or her Committee, or any One of such Committees, the other or others not dissenting; and such Minor shall or may vote by his or her Guardians, or by One of such Guardians, the other or others not dissenting; provided that such Committee or Guardian may also vote in right of his, her, or their own Share or Shares, as well as in the Character of Committee for any Lunatic, or of Guardian for any Minor, on the same Occasion.

Regulations as to Votes for joint Shares.

XXXVIII. And be it enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first on the Books of the said Company of Undertakers as the Proprietor of such Share shall for the Purposes of this Act be deemed and taken to be the Owner or Proprietor of such Share; and such Owners or Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall stand first on the Books of the said Company of Undertakers as joint Proprietor of such Share or Shares; and the Vote given either in Person or by Proxy of such Proprietor shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares; and all Notices by this Act directed to be given to the Owners or Proprietors of any Share in the said Undertaking shall or may be given or sent to the Person whose Name shall so stand first on the Books of the said Company of Undertakers, or be left at the last or usual Place of Residence of such Person, and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Notice is intended to be given.

Persons may sell Shares, provided all Calls are paid up.

XXXIX. And be it enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking to sell or dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions herein mentioned; and an Entry of every Transfer shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company, for which Entry no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until the Entry of such Transfer shall be made with the Clerk to the said Company, and entered as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote as a Proprietor or Proprietors: Provided always, that no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call shall have been made as aforesaid for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Company shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

XL. And

XL. And be it enacted, That every Transfer to be made of any Share or Shares in the said Undertaking shall be in the Form or to the Effect following; (that is to say,) Form of Transfer.

'I of in the Consideration of the Sum Pounds paid to me by do hereby bargain, sell, and transfer to the said my [*or* our] Share, being Number [*here set out the Number of the Share*], in the Company of Undertakers for the District of [*here set forth the Name of the Company*], to hold to the said his Executors, Administrators, and Assigns, subject to the same Rules and Orders and on the same Conditions on which I held the same immediately before the Execution hereof; and I the said do hereby agree to accept the said Share, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals the Day of .'

XLI. And be it enacted, That it shall and may be lawful for the said Company of Undertakers, at any General or Special General Meetings, to make Calls upon the Shareholders or Subscribers in the said Company for such Part of their Subscription or Sum or Sums of Money as may be required for the Purpose of proceeding with the said Undertaking; and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company for the Time being; and the said several Sums of Money so to be called for shall be paid at such Time and Place as shall be directed and appointed by the said Company in that Behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for, during the Space of Twenty-one Days next after the Time appointed for Payment thereof, then and in such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money thereto advanced by him, her, or them on account thereof; and all Shares which shall or may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed; and the said Company shall have Power and Authority to assign and transfer such Shares to such Person or Persons as shall become the Purchaser or Purchasers thereof; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, or his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, and the said Company, with regard to the carrying on and Management of the said Undertaking: Provided always, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given or sent by the Post

General and Special General Meetings may make Calls.

If Subscribers do not pay them in Twenty-one Days after, Shares to be forfeited.

Post to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some General or Special General Meeting of the said Company which shall be held after the End of Three Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

Shareholders not entitled to vote in respect of Shares unless they are standing in their Names, and all Calls are paid.

XLII. And be it enacted, That no Proprietor of any Shares in the said Undertaking, either in Person or by Proxy, shall be entitled to vote at any Meeting of the said Company of Undertakers in respect of any Share unless the same shall be standing in the Name of such Proprietor in the Register Book herein-after directed to be made and kept at and immediately before such Meeting, nor unless the Sums of Money from Time to Time to be called for as herein-after directed, and due and payable at or before any such Meeting, in respect of all and every the Shares of such Proprietor, and all Arrears thereof, shall have been duly paid to the Treasurer of the said Company of Undertakers.

Company empowered to borrow Money on Assignment.

XLIII. And be it enacted, That in case the said Company of Undertakers shall be desirous to raise Money for the completing or carrying on the Works by them undertaken or proposed, it shall and may be lawful for the said Company of Undertakers to borrow and take up at Interest, of and from any Person or Persons who shall be willing to advance and lend the same, upon the Credit of the said Undertaking, any such Sum or Sums of Money, not exceeding the Amount of the Estimate of the Cost of executing the said Undertaking or Works which it has been herein-before provided the said Company shall first make or cause to be made, as to them shall seem meet and convenient; and they are hereby authorized and empowered, if they shall so think fit, to assign and charge their Interest in the Monies to arise or accrue from the Assessment which the said Company of Undertakers are authorized to make and levy by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Writing under the Hands and Seals of the Chairman of the Committee of Management for the Time being, and of any Three other Members of the Committee of Management of the said Company, according to the Form or Effect following; (that is to say,)

Form of Assignment.

'WE being the Chairman
'and Three Members of the Committee of Management of the
'Company of Undertakers constituted by virtue of a Commission
'issued pursuant to an Act passed in the Second Year of the Reign
'of His Majesty King *William* the Fourth, intituled [*here set forth*
'*the Title of this Act*], for the District of [*here set forth the Name of*
'*the District*], do hereby, in consideration of the Sum of
'lent and advanced by *A.B.* of
'in the County of on the Credit and for the Purposes
'of the said Act, grant, convey, assign, and set over to the said *A.B.*,
'his [*or* her] Heirs, Executors, Administrators, and Assigns, so
'much and such Proportion of the Monies to be levied, raised, and

'collected by virtue of the Assessment which, under the Provisions 'of the said Act, the said Company of Undertakers are authorized 'and empowered to make and levy, as may be necessary to repay 'the said Sum of together with Simple Interest 'for such Sum while the same shall remain unpaid, at and after the 'Rate of *per Centum per Annum.* In witness 'whereof we the said have hereunto set our Hands 'and Seals the Day of 'in the Year .'

Assignments payable by Treasurer.

And every such Grant, Charge, and Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and every such Grant, Charge, and Assignment so to be made as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Company out of, the first Monies which shall come to his Hands under and from the Assessment aforesaid; and all Persons to whom such Grants, Charges, and Assignments shall be made shall be equally entitled (one with the other) to the Monies accruing by and under the said Assessment, and thereby granted, charged, and assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of such Assignment, Grant, or Charge, or upon any other Account whatsoever: Provided always, that nothing herein contained shall be deemed, construed, or taken to extend to make the Chairman and other Members of the Committee of Management who shall sign, execute, or give any of the said Charges, Grants, or Assignments so hereby authorized or directed to be given, personally, or their respective Estates, Lands, or Tenements, Goods and Chattels, liable to the Payment of any of the Monies to be borrowed or secured to be repaid in pursuance of this Act, by reason of their giving or executing any such Charges, Grants, or Assignments as aforesaid.

No Priority in respect of Dates.

Persons signing the Security not personally liable.

Assignments may be transferred.

XLIV. And be it enacted, That it shall be lawful for the several Persons entitled to any of the Grants, Charges, or Assignments for the Money to be borrowed, secured, or raised as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be,) at any Time by Writing under their Hands and Seals to assign and transfer such Grants, Charges, or Assignments, and all Benefit and Advantage thereof, to any Person or Persons whomsoever; and every such Assignment or Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I *A. B.*, being entitled to the Sum of 'secured to and his or her Assigns [*or* his or her 'Executors, Administrators, and Assigns, *as the Case may be*], by 'virtue of a Grant, Charge, or Assignment bearing Date the 'Day of under the Hands and Seals of the 'Chairman and Members of the Committee of Management of the Company of Undertakers constituted by virtue of a 'Commission issued pursuant to an Act passed in the Second Year 'of the Reign of His Majesty King *William* the Fourth, intituled '[*here set forth the Title of this Act*], for the District of [*here set forth*

'*the Name of the District*], upon the Credit of the Assessment which 'the Company are authorized to make and levy by virtue of the said 'Act, do hereby transfer all my Right and Interest in and to the 'same Sum, and all Interest and other Money now due and arising 'thereon, unto his or her Executors, Administrators, 'and Assigns. Dated the Day of .'

Assignments and Transfers to be entered in a Book.

And a Copy or Extract of every such Grant, Charge, or Assignment as aforesaid, and of every such Transfer as aforesaid, together with the Number or Numbers thereof, made in pursuance of this Act, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Company, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby secured or transferred; to which Books any Person interested shall at all seasonable Hours have Access, and shall have free Liberty to inspect the same, without Fee or Reward; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred, without any Registry or Enrolment thereof.

Company may borrow Money from Commissioners acting under Authority of Parliament for promoting Works of a public Nature.

XLV. And be it further enacted, That it shall be lawful for the said Company of Undertakers to borrow of and from any Commissioners appointed or to be appointed by Authority of Parliament, or under any Authority derived from or created by any Act or Acts made or to be made for the Purpose of promoting Public Works by the Loan or Advance of Exchequer Bills or Money, or such other like Purpose, such Sum or Sums of Money as the said Company of Undertakers may deem expedient for the Purposes of this Act, and to grant, give, and execute under the Hands and Seals of the Chairman and Three Members of the Committee of Management, in manner aforesaid, such Mortgage, Charge, or Assignment of the said Undertaking, and of all Monies accruing or arising from the Assessment by this Act authorized to be levied and made, or such other Security or Securities subject to and containing such Restrictions, Regulations, and Conditions, and with such Priority or Preference for the Securities granted to such Commissioners, as in the Exercise of the Powers on them conferred by any Act or Acts made or to be made the said Commissioners shall think fit to direct or appoint, enjoin or require.

Principal and Interest of Money borrowed to be paid in preference to Dividends.

XLVI. And be it further enacted, That the Principal and Interest of all such Sums of Money as shall be so borrowed on any of the Securities herein-before mentioned, or otherwise, shall be paid to the several Persons entitled thereto in preference of any Dividend, Profit, Share, or Interest which may be or become due or payable to any Shareholder or Member of the said Company of Undertakers; and it shall not be lawful to make or declare any such Dividend or Division of Profit until all such Sums so borrowed as aforesaid, with the Interest thereon, shall be fully paid and satisfied.

Company or their Agents, &c. may

XLVII. And be it enacted, That for the Purposes of this Act the said Company of Undertakers shall and they are hereby empowered,

by themselves, or their Agents, Surveyors, Workmen, and all such other Persons as by them shall be employed and authorized, at all such Times as to the said Undertakers or Committee, or a Majority of them, may seem convenient, to enter into and upon any Lands or Grounds whatsoever lying and being within the District or Limits of the Jurisdiction of the said Commission, and to view and survey such Lands, and to widen, straighten, cleanse, scour, divert, deepen, or otherwise alter the Course or Direction of any Rivers, Streams, or Watercourses running through the same Lands or Grounds, and to make, open, and cut in or upon such Lands or Grounds, or any Parts thereof, any new Banks, Reservoirs, Aqueducts, Tunnels, Rivers, Roads, Ditches, Cuts, and maintain, repair, cleanse, scour, deepen, or widen all such Rivers, Aqueducts, Reservoirs, Roads, Ditches, Cuts, Banks, or Trenches as are now or hereafter shall be made, opened, or cut therein, and to alter, remove, rebuild, raise, or repair any Banks, Sluices, Floodgates, Drains, Bridges, Tunnels, Roads, and other Works already made and erected, and also to erect and build, and from Time to Time to alter, any new Banks, Sluices, Floodgates, Locks, Drains, Bridges, and other Works, or any of the said Rivers, Streams, Watercourses, or Lakes, and also to dam, bay, and stop up any ancient Brooks, Pills, Streams, or Watercourses, and also to make any Embankment or Embankments against any Lands adjoining any of the said Rivers, Streams, or Watercourses, in and upon and through the Grounds aforesaid, and to put and place thereon any Piles, Stones, Earth, Soil, or other Materials for the more effectually carrying the Purposes of this Act into execution, and for the better conveying the Waters from the said Lands and Grounds into any of the said Rivers, Streams, or Watercourses, as shall be thought fit, necessary, and convenient by the said Undertakers, and also to erect any Hatches or Locks in any of the said Rivers, Streams, or Watercourses, for the Purpose of keeping back a Sufficiency of Water in dry Seasons for the Use of Cattle, and for enabling the Irrigation of Lands in the Autumn or Winter Seasons, where such Irrigation shall be deemed a beneficial Manurance of such Lands, and also to do all such Things, and erect and execute such Works, as may be necessary or convenient for the Purposes aforesaid.

enter Lands, and survey them, and cleanse, &c. Drains and erect Works thereon.

XLVIII. Provided always, and be it enacted, That the Mearings or Boundaries of any County, Barony, Townland, Parish, Place, or other Civil or Ecclesiastical Division or Subdivision of Land, or of any Estate, shall not be changed or altered by the Diversion of any Stream, River, or Watercourse under the Provisions of this Act, but that the Course of the same shall be distinctly marked and described by the said Company of Undertakers; and after such Course shall be so marked and described, the same shall be fenced by the said Company, and such Fence shall be from Time to Time maintained and repaired by the Trustees to be appointed in manner herein-after mentioned; and the same shall be for ever thereafter deemed to be the Boundary of such County, Barony, Townland, Parish, or Place, or Estate, instead of such River, Stream, or Watercourse so diverted as aforesaid.

Boundaries of Counties, &c. not to be changed.

XLIX. And

Company may enter Lands, and purchase such as they may deem necessary to carry on Works.

XLIX. And be it enacted, That it shall and may be lawful for the Company of Undertakers, their Surveyors, Agents, or any other Persons by them authorized and employed, to enter in and upon any Lands, Grounds, or Premises, belonging to any Person or Persons whomsoever, lying or being within the District or Limits of the said Commission, for the Purpose of surveying and taking Levels of the same, or any other the Purposes of this Act, making Satisfaction to the Owners or Occupiers thereof as herein-after provided; and the said Company are hereby authorized and empowered to contract for the absolute Purchase in Fee Simple or otherwise of any Lands, Grounds, or Premises lying and being within the District of the said Commission which may appear to them proper and convenient for the Purposes of carrying into execution and effect the Powers in them vested by their Commission as aforesaid.

Where Land cut through shall leave less than One Acre on either Side, Company to purchase the same, if required by the Owner.

L. And be it enacted, That if, in the Execution of any of the Works authorized by this Act, any Field, Close, or Parcel of Land shall be cut through or divided, so that what shall be left on each or either Side of the said Works or any of them shall be less than One Statute Acre in Quantity, then and in every such Case the said Company of Undertakers shall, if thereunto required by the Owner or Owners or Person or Persons entitled to the Possession or to the Rents and Profits of such Field, Close, or other Land so cut through or divided, but not otherwise, also take and purchase such Piece or Parcel or Pieces or Parcels of such Field, Close, or Land so to be left as aforesaid, and shall pay for the same after the Rate and in the same Manner as for the Land or Ground cut off therefrom and taken for the Purposes of this Act; and all Conveyances made thereof shall be alike valid, binding, and effectual.

Company may sell such Parcels of Land, making first Offer to Owners of adjoining Lands.

LI. And be it enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to sell any such Parcels of Land as they may be so required to take and purchase as aforesaid, and convey and assure the same to any Person or Persons who shall be willing to purchase the same: Provided always, that the said Company shall and they are hereby required, in the first place, to offer the same for Sale to the Owner or Owners of the Lands adjoining such Parcel or Parcels of Lands.

Incapacitated Persons and others having partial Estates may sell and convey Lands required for Execution of this Act.

LII. And be it enacted, That after any Lands, Grounds, or Hereditaments lying and being within the District of the said Commission shall have been set out and ascertained for the making of any Cut, Drain, Channel, River, Stream, or Watercourses, or for providing and constructing the Works and Conveniences hereby authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or

or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and Circumstances of the Case will admit; (that is to say,)

Form of Conveyance.

'I *A. B.* of in consideration of the Sum of to me paid by the Company of Undertakers established by an Act passed in the Second Year of the Reign of His present Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and release and convey to the said Company of Undertakers all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company of Undertakers and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

Application of Purchase Money or Compensation for Damages belonging to incapacitated Persons, if above 200*l.*

LIII. And be it enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands or Hereditaments purchased or taken and used by virtue of the Powers of this Act, or for any Damages done to such Lands or Hereditaments, as herein-before particularly mentioned, and the said Money shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, such Money, in case the same exceed the Sum of Two hundred Pounds, shall be with all convenient Speed paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, to be placed to his Account there *ex parte* the said Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the senior Master in that Court, to be signified by an Order made upon Petition preferred in a summary Manner by the Person or Persons entitled to the Rents and Profits of the said Lands and Hereditaments, in the

Discharge of any Debt or Debts, or Part thereof, affecting the same Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the senior Master of Chancery, in the Purchase of other Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, on the Request of the Person or Persons entitled for the Time being to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, (such Request to be made in Writing signed by him, her, or them,) and without any Order of the Master in Chancery, be invested by the said Accountant General in his Name in Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Master in Chancery to be sold for the Purposes aforesaid, the Dividends and annual Profits thereof shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where less than 200*l.* and exceeding 20*l.*

LIV. And be it enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor be less than Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, used, or damaged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified under their respective Hands, be paid into the said Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Master in Chancery.

Where under 20*l.*

LV. And be it enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in such Case the same shall be paid to

the Person or Persons who would for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, used, or taken for the Purpose of this Act; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where Paths are interrupted, and Cuts made so as to require Bridges, Company to make new Ways and build Bridges, and keep the same in repair.

LVI. And be it enacted, That if by any Cut, Drain, or other Work made in exercise of the Powers created by the Provisions of this Act, any Roads, Ways, Paths, or Passages, whether the same be public or private Foot, Cattle, or Carriage Ways, shall be disturbed or interrupted, or any Lands intersected, in such Manner as to render the future Occupation thereof inconvenient or unprofitable, the said Company of Undertakers shall and they are hereby required, with all convenient Speed after such Works shall be completed, to cause other convenient Ways to be made and opened, and any Bridges which may be required to be properly built, for the convenient Use and Passage of any Person or Persons entitled to use such Ways either on Foot or with Cattle or Carriages, or for the Convenience of the Public, or of the Parties entitled to the Use and Occupation of any Lands intersected in manner aforesaid, as the Case may be, and to defray the Expence of making such Ways and erecting such Bridges, and keeping the same in repair, out of the Monies to be raised by virtue of the Provisions of this Act herein-after following.

In case new Bridges are built where old ones formerly stood, Persons liable to Repair of the old ones shall repair the new.

LVII. Provided always, and be it enacted, That in the Case of any Road, Way, Bridge, Drain, Channel, or Watercourse which may have heretofore been usually kept in repair or ought to have been kept in repair by the Owner or Owners of any Lands *ratione tenuræ*, or by any Body Corporate, or Grand Jury, Person or Persons, liable to the Maintenance and Repairs thereof by Prescription or otherwise, and which shall or may have been diverted, taken down, rebuilt, or altered under the Powers of this Act, such new, diverted, substituted, altered, or rebuilt Road, Way, Bridge, Drain, Channel, or Watercourse shall after the Completion thereof be thenceforth maintained and kept in repair by such Owners, Body Corporate, or Grand Jury, or other Person respectively, in the same Manner as such Owners, Body Corporate, Grand Jury, or Persons maintained and repaired or ought to have maintained and repaired as aforesaid such Road, Way, Bridge, Drain, Channel, or Watercourse in respect of which such Diversion, Substitution, Rebuilding, or Alteration as aforesaid may have been made.

Company may enter Lands, and dig for Materials, after Notice given to appear, and shew cause, making Compensation.

LVIII. And be it further enacted, That it shall be lawful for the said Company of Undertakers, or any Person or Persons authorized by them respectively, to search for, dig, gather, take, and carry away any Materials out of any Lands or Premises lying within or contiguous to the District of the said Commission, for making, executing, preserving, or protecting any of the Works executed or to be executed under the Provisions of this Act, making or tendering such Satisfaction for such Materials and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried,

carried, as to the said Company of Undertakers shall seem fit and reasonable; but it shall not be lawful for the Company of Undertakers, or any Person by them authorized, to dig, gather, get, or take or carry away any Materials, for the Purposes aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing signed by One of the Company of Undertakers respectively shall have been given to the Owner or Owners or Occupier or Occupiers of the Lands or Grounds from which the same is intended to be taken and carried away, to appear before any Two or more Justices of the Peace, sitting in Petty Sessions, acting for the County or Place from whence such Materials intended to be taken away shall lie, to show Cause why such Materials should not be taken therefrom; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize the said Company, or any Person by them authorized or employed, to get, dig, gather, and carry away such Materials at such Time or Times as such Justices shall deem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may, upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer, make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agents, had attended; and in case of any Difference between such Company of Undertakers or Trustees, or Person authorized and employed by them as aforesaid, and the Owners or Occupiers of such Lands or any of them from which such Materials shall be taken or through which they may be carried, concerning the Payments and Compensation for Damages as aforesaid, it shall be lawful for any Two or more Justices of the Peace for the County or Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, to hear, settle, and determine the Matter and Amount of such Payments and Damages, and of the Costs of attending the hearing and determining the same.

If Party is dissatisfied with Compensation, any Justice of the County may settle the same.

LIX. And be it further enacted, That if the said Company of Undertakers, or any Person or Persons authorized by them respectively, shall, by reason of the searching for, digging, or getting any Materials as aforesaid for making, protecting, maintaining, or preserving any of the Works hereby authorized to be executed, make or cause to be made any Pit or Hole in any Common or other Lands or Grounds wherein such Materials shall be found, the said Company, or Persons authorized by them, shall forthwith cause the same to be sufficiently fenced off during such Time as the said Pit or Hole shall continue open, and shall, within Four Days after such Pit or Hole shall be opened or made, where no Materials shall be found, cause the same forthwith to be filled, levelled, and covered with the Turf or Clod which was dug out of the same, and where such Materials shall be found, within Six Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, the said

Company to fill up Holes and Pits not further useful, and fence off those that may be further useful.

said Company, or Persons authorized by them, shall sufficiently secure the same by Posts and Rails or other Fences, to prevent Accidents to Cattle or Persons; and if the Company or Trustees, or Persons authorized by them, shall neglect so to do in either Case, shall forfeit any Sum not less than Forty Shillings nor more than Five Pounds, to be recovered in a summary Manner before any of His Majesty's Justices of the Peace for the County in which the Lands from which such Materials were taken, or in which such Holes or Pits were made, shall lie. Penalty.

LX. And for settling all Differences which may arise between the said Company of Undertakers and the several Owners of or Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Wells and Springs, Waters, or Watercourses which shall or may be purchased, taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted; be it enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person or Persons so interested, entitled, or capacitated to sell under the Provisions of this Act, shall differ or shall not agree with the said Company of Undertakers as to the Amount of any Purchase Money, Recompence, or other Compensation, and that such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company of Undertakers, or if any such Parties shall refuse to accept any such Purchase Money as shall be offered by the said Company of Undertakers, and shall give Notice thereof in Writing to the said Company of Undertakers within Six Days next after such Offer shall have been made, then and in every such Case the said Company of Undertakers may and shall and they are hereby empowered and required from Time to Time to appoint, under the Hands and Seals of the Chairman and Members of the Committee of Management some one proper and skilful Person, and the Person or Persons or Party or Parties to whom such Compensation or Purchase Money shall have been offered shall and they are hereby empowered and required from Time to Time to nominate and appoint under his or their Hand and Seal or Hands and Seals some one other proper and skilful Person; and the Two Persons so appointed shall proceed to settle and adjust any Disputes or Differences in respect of such Compensation or such Purchase Money, and shall have Power and Authority to summon before them all and every Person or Persons who may be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and shall view the Place or Places or Matter or Matters in controversy; and such Persons shall upon their Oath, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (and which Oaths and Affirmations, as well as the Oaths and Affirmations of such Person or Persons as shall be called upon to give Evidence, the Chairman of the Committee of Management of the said Company of Undertakers is hereby empowered and required to administer,) inquire of and ascertain and adjudge the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Period have been done or sustained

If Parties cannot agree as to Purchase or Compensation Money, each to nominate a Person as Arbitrator.

sustained as aforesaid, or for the future temporary or perpetual or any recurring Damages which shall have been or may thereafter be so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company of Undertakers, and which cannot or will not be further obviated, remedied, or repaired by them, and shall accordingly give Judgment for any such Purchase Money, Recompence, or Compensation as shall be assessed by such Persons; which said Judgment thereupon to be pronounced aforesaid shall, unless Appeal thereupon be made within the Time and in the Manner herein-after provided, and in default of such Appeal, be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever, and upon such Company of Undertakers respectively.

Appointment of Umpire.

LXI. Provided always, and be it enacted, That in case Two Persons cannot agree in the Amount of the Purchase or Compensation Money to be awarded as aforesaid, it shall and may be lawful for each of such Persons to name some one other Person to be an Umpire, and the Names of the Two Persons so to be appointed by each of the said original Arbitrators shall be put into a Glass or closed Box, and some indifferent Person shall take therefrom one of the said Names, and the Person whose Name shall be so taken out of such Glass or Box shall be the Person who shall be such Umpire, and act as such between such original Arbitrators not agreeing as aforesaid; and such Umpire shall pronounce Judgment accordingly; and his Judgment shall have the like Force and Effect as the Judgment of the said original Arbitrators would have had in case they had agreed in making the same.

If Parties are dissatisfied with the Award of Arbitrators and Umpire, they may require the Sheriff to summon a Jury, whose Judgment shall be final.

LXII. Provided always, and be it enacted, That if any Party or the said Company of Undertakers shall feel dissatisfied with the Judgment of such Arbitrators or Umpire, it shall and may be lawful for the said Company of Undertakers or for the said Party, within Seven Days next after such Judgment shall have been made, to give Notice in Writing to that Effect, and of his or their Desire to appeal against the same to the Sheriff or Under Sheriff of the County in which the Lands in respect of which, or any Work or Thing connected with which, such Arbitration or Umpirage may have been made shall lie, or in case such Lands shall extend to Two or more Counties, then to the Sheriff or Under Sheriff of either of any such Counties, and if such Sheriff or his Under Sheriff shall happen to be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to one of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested as aforesaid, then to the last Person then in being who filled the Office of Sheriff of the said County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby authorized and required to impannel, summon, and return accordingly, a Jury of at least Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts

of Record, to appear before the Justices of the Peace for the said County at some Court of General or Quarter Sessions of the Peace to be holden in and for the said County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed; and if a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the Sheriff or Coroner or other Person shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Persons shall and may have lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace of the said County, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy; and such Jury upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths or solemn Affirmations, as well as the necessary Oaths or Affirmations to any Person or Persons who shall be called upon to give Evidence before them as aforesaid, the said Justices are hereby required and empowered to administer,) shall inquire, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, or Premises, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said Company, and which cannot or will be no further obviated by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against the said Company of Undertakers, and all Bodies Politic, Corporate, or Collegiate, and all other Person and Persons whomsoever.

Where Judgment is given for more Money than was awarded, Company to pay the Cost of summoning Jury, &c.; but if otherwise the Person interested to pay the Costs.

LXIII. And be it enacted, That in all Cases where a Judgment or Verdict shall be given for more Monies as Purchase Money for any Lands or Hereditaments of any Person or Persons whomsoever, or Compensation for any Damage done or to be done to any Lands or Hereditaments of any Person or Persons, than had been previously awarded upon the said Arbitration or Umpirage as aforesaid, then all the Expences of taking such Inquest, together with all such Charges as shall be incurred by the Person or Persons entitled to such Purchase Money or Compensation in ascertaining the Amount of the same, shall be settled by the said Justices, and be defrayed by the said Company out of the Capital Stock of the said Company; but if any Verdict shall be given or made for the same or a less Sum than had been awarded upon such Arbitration or Umpirage as aforesaid, or in case no Damages shall be given by the Verdict where the Dispute is for

for the Damages only, then and in every such Case the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of or other Person or Persons interested in the Lands or Hereditaments in question; which Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise, such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Company in and by such Ways and Means as are herein-after provided for the Recovery of the Rates and Assessments herein-after mentioned.

Upon Payment or Tender of Money agreed or awarded to be paid as the Purchase Money, &c. Company may enter Lands, and take possession.

LXIV. And be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or awarded by the Arbitrators or Umpire, or assessed by a Jury as aforesaid, for the Purchase of any Buildings, Lands, Tenements, or other Hereditaments, to the Person or Persons entitled to receive such Purchase Money respectively, or his, her, or their Agent or Agents, or within the Space of Fourteen Days after the same shall have been actually so agreed for, determined, or assessed, on the same being deposited as herein-before directed, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Buildings, Lands, Tenements, or other Hereditaments respectively, and then and thereupon such Lands, Buildings, or other Tenements or Hereditaments, together with the yearly Profits thereof, and all the Estate, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in the said Commissioners for the Purposes of this Act; and such Tender, Payment, or Deposit shall not only bar all Right, Title, Claim, Interest, or Demand of the Person or Persons to whom the same shall or ought to have been made, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion, Remainder, Expectancy, or otherwise, of his, her, or their Issue, and of all and every other Person or Persons interested therein, and to vest an absolute Estate of Inheritance in Fee Simple, free from all Incumbrances, in the said Company of Undertakers and Trustees respectively: Provided always, that nothing in this Act contained shall authorize and empower, or be construed to authorize and empower, the said Company of Undertakers, or their Agents, Workmen, or Servants, or any of them, to enter into and upon the Lands, Buildings, Tenements, and Hereditaments so to be purchased by virtue of this Act as aforesaid, (save for the Purpose of surveying or levelling the same,) without having first paid or otherwise legally tendered for the same such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or awarded by the Arbitrators or Umpire, or assessed by a Jury, in manner herein-before directed.

LXV. And

Suits or Actions not to hinder Company from proceeding with Works.

LXV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest in or to any Lands or Premises hereby authorized to be taken by the said Company of Undertakers, or embanked, drained, or in any way affected by any of the Works to be undertaken by virtue of this Act, such Suit or Suits shall not impede, delay, or hinder the said Company from proceeding to the Execution of the Powers vested in them by this Act, but that the said Lands or Premises may be taken and used, and the Embankment and Drainage and other Works hereby authorized proceeded with, notwithstanding such Suit or Suits, and pending the same.

Company to possess themselves of Flood-gates, &c.

LXVI. And be it enacted, That the said Company of Undertakers may and they are hereby authorized to take, have, hold, and possess, by themselves or their Officers, or such Persons as they shall employ and appoint, all Flood-gates, Sluices, Locks, Stop-gates, Weirs, or Stops, or such other Works or Buildings, erected, made, set up, or being in or on any and every River, Stream, Drain, or Watercourse within the Limits of the District of the said Commission creating such Company; and each and every of the Person and Persons, Bodies Politic or Corporate, having the previous Management, Possession, or Controul of the said Flood-gates, Sluices, Locks, Stop-gates, Weirs, or Stops, or such other Works or Buildings as aforesaid, shall, as soon as they shall be thereunto required by the said Company of Undertakers, surrender and give up to the said Company, or their Agents lawfully authorized, the said Flood-gates, Locks, Sluices, Stop-gates, Weirs, or Stops, or such other Works or Buildings, and all Property connected therewith or relating thereto, in their Custody, Possession, or Power, relating to the same; and if any such Person or Persons, Bodies Politic and Corporate, shall refuse or neglect to surrender and give up to the said Company any of the said Flood-gates, Sluices, Locks, Stop-gates, Weirs, or Stops, Works, Buildings, Property, Goods, Materials, Utensils, Implements, and Things, hereby directed to be surrendered and given up, or Materials collected in his or their Possession relating to the said Flood-gates, Sluices, Locks, Stop-gates, or Stops, Works, Buildings, Property, Goods, Materials, Utensils, and Implements, or any of them, for the Space of Fourteen Days after the same shall be demanded by the said Company of Undertakers, or any Person by them duly authorized to make Demand, then and in every such Case the Person or Persons, Body Politic or Corporate, so offending, shall for every such Neglect or Refusal forfeit and pay a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace, sitting in Petty Sessions, before whom Complaint of such Offence shall be made; and such Penalty shall be recovered in manner herein-after provided.

Persons refusing to deliver up the same, to forfeit not less than 5*l.* nor more than 10*l.*

Company not to injure any navigable River or ornamental Water, nor the Supply of Water to Towns.

LXVII. Provided always, and be it enacted, That nothing herein contained shall authorize or enable any Company or any Trustees constituted or elected under this Act to make or construct any Work injurious to the Navigation of any River or Canal, nor to interfere with any ornamental Water in any private Demesne or Park, without the previous Consent in Writing of the Proprietor thereof, nor to curtail

curtail or cut off the Supply of Water to any Town, without previously making adequate Provision in lieu thereof.

Encroachments not authorized.

LXVIII. Provided always, and be it enacted, That nothing herein contained shall authorize or enable any Company or any Trustees constituted or elected under this Act to encroach, by their Works or otherwise, upon any inclosed Park, inclosed Garden, or inclosed Demesne, without the Consent in Writing of the Proprietor thereof.

Penalty on Persons injuring or destroying Flood-gates, &c.

LXIX. And be it enacted, That if any Person shall wilfully or maliciously draw, pluck up, or open any Flood-gates, Sluices, Locks, Stop-gates, or Stops, or any or either of them, fixed, erected, or made, or hereafter to be fixed, erected, or made, for the Security, Use, or Benefit of any Marsh or other Lands, by or by the Order or Direction of the said Company of Undertakers, or surrendered to such Company under the Provisions of this Act, such Person or Persons so offending, and being thereof lawfully convicted upon the Oath of One or more credible Witness or Witnesses before Two or more Justices of the Peace sitting in Petty Sessions for the County, Riding, or Division wherein such Offence may be committed, shall forfeit for every such Offence a Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered and applied in manner herein-after directed; provided that the levying the said Penalty shall be no Bar to any Action at the Suit of the said Company of Undertakers.

Officers of Company or Trustees may apprehend transient Offenders.

LXX. And whereas Persons guilty of Offences against this Act may be transient Persons and Strangers, or Persons unknown to the Officers and other Persons acting under the said Company or Trustees; be it therefore enacted, That it shall and may be lawful for any Officers or other Persons acting under the said Company or Trustees respectively, with such Aid as shall be necessary, and without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice of the Peace of the County wherein such Offences shall be committed, who is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions herein-before contained.

Survey and Report of Works after Completion.

LXXI. And be it enacted, That so soon as the Scouring, Embankment, Drainage, and other Works authorized to be executed under the said Commission to be issued as aforesaid shall be finally completed and executed by any Company of Undertakers, the said Company of Undertakers shall and they are hereby authorized and required to apply, by Petition to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to appoint, and he or they is and are hereby required thereupon to appoint, some skilful Engineer or Surveyor, the same if possible, unless good Reason there be to the contrary, who assisted in the Survey and Valuation herein-before first directed to be made before proceeding to the Execution of any Works authorized to be executed under the Provisions of this Act; and such Engineer or Surveyor, together with the same Two Per-

sons appointed respectively on Part of the Landholders and Landowners and on the Part of the said Company of Undertakers to make the aforesaid first Valuation and Survey, if both or either of such Two Persons shall be capable and willing again to act, and if not, then with One or Two other Persons, as may be necessary, to be chosen in the Place of such Person or Persons incapable or unwilling to act by the said Landholders and Landowners and Undertakers, or either of them respectively, in the same Manner as is herein-before directed and provided with regard to the Survey and Valuation herein-before directed to be first taken, shall proceed to survey all and every the Work or Works executed and finished by the said Company of Undertakers, so as to be able to ascertain the Completeness, Stability, and Sufficiency of all and every such Works; and it shall and may be lawful for the said Engineer or Surveyor and other Two Persons aforesaid, if they shall so think fit, to order and direct that any Addition or Alteration be made therein or thereof, such Addition or Alteration being within the Terms and Designs of the original Plan, Specification, and Estimate; and so soon as all the said Works, with the Additions or Alterations (if any) required by such Engineer or Surveyor and other Two Persons aforesaid, shall be fully completed and finished to the Satisfaction of such Engineer or Surveyor and other Two Persons, they shall thereupon proceed to examine the Title Deeds, Conveyances, Books, and Papers of the said Company of Undertakers, and all necessary Vouchers and Documents, and call before them and examine, on Oath or Affirmation, (which Oath or Affirmation they or any of them are hereby authorized to administer,) the Clerk, Treasurer, and all other Servants of the said Company, as they shall think necessary, and hear all Objections against such Accounts, Books, and Papers, or any thing contained therein, which may be made by any Person or Persons in any way interested in the same; and such Engineer or Surveyor and the said other Two Persons shall, upon some Day to be by them publicly notified in the same Manner as it has been herein-before provided that Notice of the Adjustment of the first Survey and Valuation made under this Act shall be given, finally determine and declare the gross Amount of all Sums expended by the said Company, with Interest upon the same at the Rate of Six Pounds *per Centum per Annum*, to be computed upon each Item thereof exceeding Twenty Pounds from the Outlay thereof, in and about the Execution of the said Works, and in the Purchase of any Lands or Premises for the Purposes of this Act, and in compensation of any Damage occasioned by any Works executed by such Company, together with all incidental Costs and Charges which may have been anywise incurred by the said Company of Undertakers therein, including such reasonable Allowance for the Time and Labour of the said Engineer or Surveyor and other Two Persons, and that of any Clerks they may find it necessary to employ, as the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think fit to direct and appoint; and the Amount so ascertained shall be reported to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

LXXII. And

Survey and Valuation of Lands benefited by such Works.

LXXII. And be it enacted, That the said Engineer or Surveyor and other Two Persons directed to be appointed as herein last aforesaid, after having so inspected the Works and Accounts, and determined the Amount expended thereon, as herein-before directed, shall next proceed to survey all the Lands and Grounds within the Limits of the Commission of the said Company which shall in their Judgment have received any Benefit from or be anywise enhanced in Value by any of the Works done and executed by the said Company of Undertakers under the Authority of their said Commission; and the said Engineer or Surveyor and other Two Persons shall refer to the former Survey and Valuation herein-before directed to be made, and shall determine, to the best of their Skill and Judgment, how much each and every Portion of such Lands and Grounds, Acre by Acre, Rood by Rood, Perch by Perch, or by what other Portions or Subdivisions they may deem just and convenient to distinguish the said Lands, have been or may be benefited or improved by, from, or in consequence of any Drainage, Embankment, or other Works executed by the said Company of Undertakers under their said Commission; and the Amount of such Benefit or Improvement shall be denoted and expressed by a Sum of Money assigning an increased annual Rent or Value to such Lands or Grounds and each Portion and Subdivision thereof; and the said Engineer or Surveyor and other Two Persons so appointed as last aforesaid shall make out a distinct Schedule and Return of such respective Benefits and Improvements so surveyed, valued, and estimated by them, and denoted by such increased annual Rent or Value as aforesaid, with the Name or Names of the Owners and Occupiers of each Subdivision of Land which may be so separately estimated as aforesaid, and the commonly known or received Denomination by which such Grounds or Lands may be distinguished, and shall cause the same to be lodged for Inspection in some public Place within the District whereunto such Schedule and Return shall refer; and Notice of the Lodgment of such Returns and Schedules for Inspection as aforesaid, together with a Notice of a Time and Place, not less than Twenty-one Days from the Lodgment of such Returns and Schedules, whereat the said Engineer or Surveyor with the other Two Persons mean to proceed finally to adjust the same, shall be given by Advertisement affixed and published in the same Manner as it has been herein-before provided that Notice of the Lodgment of the Survey and Valuation herein-before first directed to be taken, and of the Adjustment thereof, shall be given; and such Engineer or Surveyor and other Two Persons shall also give or cause to be delivered to the Tenant or Occupier, or to be left at his or her usual Place of Abode, of any and every Subdivision of Land separately estimated as aforesaid, a written Copy of such Portion or Part of the Schedule or Return as may include or refer to the Grounds, Lands, or Premises belonging to or in the Occupation of such Tenant or Occupier; and at the Time and Place appointed pursuant to such Notice as aforesaid, the said Engineer or Surveyor and other Two Persons shall proceed to hear and determine all Objections that may be made to the aforesaid Schedules and Returns by any Person interested in the same; and it shall and may be lawful for the said Engineer or Surveyor and other Two Persons to alter and amend

such Schedules and Returns, and finally to adjust and determine the same; and the said Schedules and Returns so adjusted and determined shall be binding and conclusive against all and every Person or Persons whatsoever; and a Copy of all such Schedules and Returns shall be delivered to the said Company of Undertakers; and the Originals shall be transmitted by such Engineer or Surveyor and other Two Persons to the Clerk of the Peace of any County whereof Part may lie within the Limits of the Commission of the said Company, to be by him recorded amongst the Records of such County.

Assessment of Lands benefited by Works.

LXXIII. And be it enacted, That it shall and may be lawful for the said Company of Undertakers, and they are hereby authorized and empowered, to assess all Lands, Grounds, and Premises benefited or improved by the Drainage, Embankment, or other Works executed by the said Company under the Authority of their said Commission, at and after the Rate of One hundred Pounds for every Ten Pounds of Increase in the annual Rent or Value thereof, as denoted and expressed in the Return and Schedule herein-before directed to be made by the said Engineer and other Two Persons, and that such Assessment shall be made and levied in manner herein-after provided.

Company not to have more than 15 per Cent. Profit on Sums expended (with Interest and Costs and Expences) in executing such Works.

LXXIV. Provided always, and be it enacted, That if such Assessment, calculated at the Rate aforesaid, should exceed the Amount ascertained and declared to have been expended in manner aforesaid by the said Company in and about the Works by them executed, including the Interest thereon, with all Costs and Charges in anywise relating thereto, by a Sum exceeding Fifteen Pounds *per Centum* on the Amount of such Expenditure, with Interest, Costs, and Charges aforesaid, then and in such Case it shall not be lawful for the said Company to make such Assessment at the Rate aforesaid, but the same shall be made and calculated at such lower Rate as to reduce such Assessment to an Amount equal to the said Amount of Expenditure, including the Interest, Costs, and Charges aforesaid, together with such further Sum of Fifteen Pounds *per Centum* on the Amount thereof.

Engineer, &c. to estimate and declare the Amount of Assessment to be levied.

LXXV. And be it enacted, That the said Engineer or Surveyor and other Two Persons appointed as last aforesaid shall estimate, ascertain, and determine, according to the Provisions herein contained, the Amount of such Assessment to be made and levied as aforesaid, and shall declare the same in Writing under their Hands and Seals; and that such Declaration in Writing shall be good, valid, and effectual to authorize and entitle the said Company to make and levy the said Assessment.

Incapacitated Persons and others having partial Interest in Lands may borrow Money by

LXXVI. And be it enacted, That it shall and may be lawful for any Proprietor or Proprietors of any Land, Grounds, or Premises upon which any Assessment shall be made in manner herein-before mentioned, being Tenant or Tenants for Life or Lives, or in Tail, or for any Term of Years, and also for any Body Politic or Corporate, Vicar or Rector, and for the Husbands, Guardians, Trustees,

Mortgage or Assignment of Lands.

Trustees, Committees, or Attornies of any Person or Persons being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, to grant, mortgage, lease, or demise the said Lands and Grounds unto or in Trust for any Person or Persons who shall lend and advance any Sum or Sums of Money for the Purpose of paying such Assessment made upon such Lands, Grounds, or Premises, for any Term of Years, or any other Estate or Interest, so as such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to be void on the Payment of such Sum or Sums of Money so lent or advanced, with the Interest thereof, at a Time to be therein limited; and every Grant, Lease, Mortgage, or Demise shall be good, valid, and effectual in Law for the Purposes thereby intended: Provided always, that all and every Body Politic or Corporate, Vicar, Rector, Tenant or Tenants for Life or Lives, or in Tail, or by Courtesy, and all and every other Person or Persons who shall be entitled to the said mortgaged Lands, Grounds, or Premises, shall pay and keep down the Interest of the Principal Money so to be borrowed as aforesaid, so that no Person or Persons afterwards becoming entitled to the said mortgaged Grounds, Lands, or Premises shall be liable to the Payment of any larger Arrear of Interest than for Six Calendar Months preceding the Time when his, her, or their Title to the Possession of such mortgaged Lands, Grounds, or Premises commenced: Provided also, that nothing herein contained shall give or be construed to give any Power to incapacitated Persons, other than heretofore they had, to grant, mortgage, lease, or demise any Lands, Grounds, or Premises, except for the Purpose of borrowing the Amount of any Assessment to be made under the Provisions and in manner herein-before provided, nor any larger Sum or Sums than the Amount of such Assessment.

Company to deliver Notice to Owners, containing the Amount of Assessment, and requiring Payment; and if not paid within Six Months, to charge the Lands with the Amount of improved Rent; to be paid to any Person advancing the Amount.

LXXVII. And be it enacted, That the said Company of Undertakers shall deliver or cause to be delivered to the Owners or reputed Owners and Occupiers of every Parcel or Subdivision of Land or Premises liable to Assessment under the Provisions herein contained a Notice expressing the Amount of the Sum to which they may be liable in respect of any such Lands or Premises of which they shall be Owners or Occupiers respectively, and requiring the Payment thereof; and if such Sum or Sums shall not be paid to the Treasurer of the said Company within Six Calendar Months after the Delivery of such Notice, then and in such Case it shall and may be lawful for the said Company of Undertakers, by Indenture or Indentures under the Hand and Seal of the Chairman of their Committee of Management for the Time being, to charge and subject the Lands or Premises whereon such Assessment shall be made and remain unpaid as aforesaid, with such Sum or Sums of Money as may have been specified and declared in the Schedules and Returns herein-before directed to be made to be the improved annual Rent or Value of such Lands or Premises arising out of or created by the Works executed by the said Company, the same to be paid and payable by equal yearly Payments, to such Person or Persons as shall advance and lend the Amount of such Assessment; and such Charge or Assurance shall have Priority over all other Charges,

Mortgages, Assurances, and Incumbrances whatsoever made or to be made and of all Rents reserved or payable out of such Lands or Premises by any Deed or Demise whatsoever; and every such Charge or Assurance shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever, provided that the same be made with a Condition or Proviso to cease and determine on Payment by any Person interested in such Lands or Premises of the Amount of the Assessment aforesaid, Three Months previous Notice of the Intention to pay off such Charge or Assurance being first given to the Holder thereof.

Charges or Assurance may be transferred.

LXXVIII. And be it enacted, That all and every Person or Persons to whom any such Charge, Demise, or Assurance shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his, her, or their Right, Title, or Interest therein unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing in the Form or to the Effect following; (namely,)

Form of Transfer.

'I in consideration of the Sum of
'to me paid by of do
'hereby transfer the within Charge, Demise, or Assurance [*or* a
'certain Charge, Demise, or Assurance made to me by the Company
'of Undertakers under the Provisions of an Act passed in the Second
'Year of King *William* the Fourth], bearing Date the
'Day of and the Sum or Sums thereby secured and
'reserved, and all my Right and Property therein, unto the said
' his Executors, Administrators, and Assigns. In
'witness whereof I have hereunto set my Hand and Seal this
' Day of .'

In case of Nonpayment of Money so charged, it may be levied by Distress;

LXXIX. And be it enacted, That if Default shall be at any Time made in the Payment, at the Periods before specified, of the Sum or Sums charged on and made payable out of any such Lands or Premises by virtue of such Charge or Assurance as aforesaid, it shall and may be lawful for the Holder thereof to enter into and upon such Lands and Premises, and to levy, by Distress and Sale of any Goods or Chattels which may be found thereon, the Sum or Sums so due and in arrear, together with all Costs and Charges attending such Distress and Sale, rendering the Overplus, if any, to the Owner of such Goods or Chattels; and in case sufficient Goods and Chattels to satisfy such Sum or Sums so in arrear, with the Costs and Charges aforesaid, cannot be procured thereon, then and in such Case it shall and may be lawful for the Holder of such Charge or Assurance, or any Person or Persons for that Purpose authorized by such Holder, to enter upon the said Lands, Grounds, and Premises, and the Rents and Profits thereof to receive and take and have, until thereby or otherwise the Sum so in arrear, together with all Costs and Expences attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Lands, Grounds, or Premises, shall be fully paid and satisfied.

if there is not Goods or Chattels sufficient, the Holder may enter upon the Lands.

LXXX. And

If Lands are untenanted, and Holder shall not choose to enter upon them, Goods and Chattels hereafter found shall be liable.

LXXX. And be it enacted, That in any case any Lands or Grounds in respect whereof such Arrear shall be incurred as aforesaid shall at any Time be untenanted or unoccupied, so that sufficient Distress cannot be found whereon to levy the same, and the Holder of the said Charge or Assurance shall not think proper to enter upon the same as aforesaid, then the said Lands and Premises shall remain liable thereto, and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained and sold in manner aforesaid, until all Arrears, and the Charges of such Distress, and detaining, keeping, and selling the same, shall be fully paid and satisfied.

Tenants in certain Cases to deduct the Assessments made under this Act from their Rent.

LXXXI. Provided always, and be it enacted, That all and every Person or Persons who may hold any Land as Tenant at Will, or Tenant from Year to Year, or for any Term of Years whereof not more than Three shall be unexpired, shall and may deduct from the Rent due or payable to his, her, or their next superior Landlord all and every such Sum or Sums of Money as may be raised or levied on or off such Lands, and paid by such Tenant by virtue of any Charge or Assurance whatsoever made by any Company of Undertakers under Authority of this Act, and the Receipt or Receipts of the Holder of such Charge or Assurance shall be a good Acquittance for so much of the said Rent as shall be expressed therein.

After Receipt of Report of Completion of the Works, Chief or Under Secretary of Lord Lieutenant to summon a Meeting of Owners of Lands benefited, to elect Trustees.

LXXXII. And be it enacted, That so soon as it may be convenient, after the Receipt of the Report of the Engineer or Surveyor and other Two Persons certifying the Completion of the Works authorized to be undertaken by the said Company of Undertakers under their said Commission, the Chief or Under Secretary to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall summon a Meeting of all the Persons who shall appear by the Schedules and Returns aforesaid to be Owners of any Lands, Grounds, or Premises benefited or improved by such Works, and Notice of such Meeting shall be given in like Manner as of the first Meeting of Landowners and Occupiers herein-before directed to be summoned; and the Party seised of the first Estate of Inheritance in any Lands, Grounds, or Premises shall for the Purpose of such Meeting be deemed the Owner thereof, and in default of the Attendance of such Person, then the Person having the first Freehold Estate therein, and in default of the Attendance of both such Persons, then the actual Occupier thereof, shall be deemed and taken to be such Owner, and vote thereat accordingly; and no Two Persons shall have a Right to vote in respect of the same Lands, Grounds, or Premises; and the Persons assembled at such Meeting shall, in the first place, elect a Chairman to preside at such Meeting, and shall next proceed to the Election of Trustees for preserving, maintaining, repairing, and keeping in repair such Works completed and executed by the said Company of Undertakers; and such Trustees shall be not fewer than Three nor more than Twelve Persons, and shall be either actually Landowners or Persons entitled so to be deemed under the Provisions aforesaid; and all Persons who shall have been assessed for the Expence of executing such Works in the Sum of

Ten

Ten Pounds shall have One Vote at such Meeting, and all Persons assessed in the Sum of Twenty Pounds shall have Two Votes, and so on in progression of One Vote for every complete Sum of Twenty Pounds in which such Landowner may have been assessed, but so that no Landowner shall have more than Six Votes in the whole, whatever be the Sum in which he may have been assessed; and in case of an Equality of Votes at such Meeting, the Chairman of such Meeting shall, besides any Vote or Votes to which he may be entitled as an assessed Landowner, also have a casting and decisive Vote; and such Chairman shall certify under his Hand and Seal the Names of the Persons so elected such Trustees as aforesaid, and deliver such Certificate to the Clerk of the Peace of any County within which any of the Lands comprised within the Limits of the Jurisdiction of such Trustees may lie, to be by him preserved among the Records of the County; and such Certificate shall be to all Intents and Purposes conclusive of the due Election of the Persons therein named.

After Appointment of Trustees, Powers of Company to cease, except as to Recovery of Assessment or any Arrear thereof.

LXXXIII. And be it enacted, That from and immediately after the Election of the Trustees herein-after directed to be made, all and every the Powers and Authorities granted to or vested in any Company of Undertakers by virtue of their said Commission, or by virtue of any of the Provisions of this Act, for the Prosecution of any Works of Drainage, Embankment, or clearing of Rivers, Streams, or Watercourses, or the Execution of any other Work or Works pursuant to the Provisions of this Act, and all Right, Title, and Interest in such Works theretofore belonging to and vested in such Company, and all Duty and Obligation to maintain or repair any of such Works created by any of the Provisions of this Act, shall wholly cease and determine; and such Company shall with all convenient Speed make up and close their Accounts and Transactions, and, according to the Terms of their original Subscription, and the Provisions of their Deed of Settlement, apportion and divide among the Proprietors or Holders of Shares in the said Undertaking all such Sums of Money and other Property of what Nature soever as may belong or accrue to the said Company; provided that such Company of Undertakers shall have and retain full Power and Authority, notwithstanding such Appointment of Trustees, to make, levy, recover, and receive the Assessment which by the Provisions of this Act they have been authorized to make and levy, and all Arrears thereof, and all such Sums of Money as may be anywise due and owing to them by or from any Person or Persons whatsoever on any account whatsoever, and to maintain any Action or Suit at Law or in Equity for the same, or to take such other Proceedings for Recovery thereof as they might have taken before the Appointment of such Trustees, and in like Manner to sue for, recover, and receive any Fines or Penalties to which they may be anywise entitled; and all such Actions, Suits, or other Proceedings shall be had in the same Manner and Form, and be alike valid and effectual, and all the Provisions of this Act applicable to or directory thereof shall continue in full Force and Effect, any thing herein-before contained to the contrary thereof notwithstanding.

Trustees to remain in Office for Three Years; and to summon Meeting of Landowners, to elect new Trustees every Three Years.

LXXXIV. And be it enacted, That the said Trustees first appointed as aforesaid shall continue and remain in Office and act as such for the Term of Three Years from the Date of their Election, and no longer; and at least Ten Days before the Expiration of such Term of Three Years, the Trustees for the Time being shall summon by public Advertisement, and otherwise as they shall think fit, a Meeting of all the Owners for the Time being of all Lands, Grounds, or Premises benefited or improved by the Works executed under the Commission aforesaid, and the same Regulations with respect to the Right of Persons to vote and of the Manner of voting thereat shall apply and be observed at such Meeting as at the first Meeting for the Election of Trustees; and at such Meeting a like Number of Persons as were chosen at such first Meeting shall be chosen to act as Trustees for the next ensuing Three Years, in the Room of such outgoing Trustees, and with the like Powers and Authorities, and the Election of such Trustees shall be certified in like Manner as the Election of the first Trustees elected under this Act, and such Certificate shall be lodged in like Manner, and be alike conclusive of the Election therein certified to have been made, and so on for ever, a new Election of Trustees being made and certified in like Manner and Form every Three Years: Provided always, that any outgoing Trustee may be re-elected, and shall in such Case continue and remain in Office, any thing herein contained to the contrary notwithstanding: And provided further, that if any Trustee shall, before the Expiration of the Three Years for which he may have been elected to act as a Trustee, resign, or become disqualified to act as such, it shall and may be lawful for the remaining Trustees to elect some other Landowner, qualified as aforesaid, to be a Trustee in the Place of the Trustee so dying, resigning, or becoming disqualified as aforesaid; and such Trustee so elected to fill such Vacancy shall remain and continue in Office as such Trustee so long only as the Trustee in whose Place or Stead he may be elected would have been entitled to have continued and remained in Office.

Trustee resigning, &c. a new one to be elected by Trustees out of the Landowners.

Notice of Meetings of Trustees to be given by public Advertisement or by personal Service.

LXXXV. And be it enacted, That Notice of all Meetings to be held by the Trustees in pursuance of this Act (except where it shall be herein otherwise directed) shall be inserted in some One Newspaper usually circulated within the District of the Jurisdiction of such Trustees, at least Thirty Days before the Day appointed for any Meeting, or such Notice thereof shall be delivered to the said Trustees personally, or left at their usual Place or Places of Abode, or given and published in such other Manner as the said Trustees at any previous Meeting shall think fit to order and direct; and it shall be lawful for such Trustees to adjourn such Meetings from Time to Time, as may be convenient; and all Orders and Determinations of the Trustees in execution of this Act shall be made at Meetings to be held pursuant to the Provisions hereof, and not otherwise, and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings in execution of this Act, and all the Powers and Authorities vested in the said Trustees generally, shall and may be had, made, done, and exercised by the major Part of the Trustees

Proceedings at Meetings of Trustees.

who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Five; and that all Acts, Orders, or Proceedings had, made, or done by or before such Five Trustees shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and that a Chairman shall and may, in the first place, be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes (including the Chairman's Vote), shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given by Five or more Trustees, by Writing under their Hands, to the Clerk to the said Trustees at a previous Meeting, and entered in the Book of Proceedings of such Meeting, and expressed in the Notice convening such subsequent Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Trustees than concurred in the making of any such Order and Determination.

Revocation of Orders.

LXXXVI. And be it enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of any of the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees; and the Trustees shall from Time to Time cause such Accounts to be duly made up and balanced on the Appointment of Trustees to succeed them pursuant to the Provisions of this Act, and within Seven Days next after such Appointment deliver such Accounts, and make Payment of all Monies arising by virtue of this Act and then in their Hands, to the succeeding Trustees, to be by them applied to the Purposes of this Act.

Trustees to order Books of Accounts to be kept.

LXXXVII. And be it enacted, That it shall and may be lawful to and for the said Trustees, by Advertisement to be inserted in some Newspaper printed or generally circulated within the District of the Jurisdiction, to appoint a Time and Place to receive Proposals from, and to enter into, make, and execute Contracts, for any Term not exceeding the Term for which such Trustees may remain in Office, with any Engineer, Engineers, or Workmen, or other Person or Persons, not being a Trustee or in any Manner otherwise employed by the said Trustees, for maintaining, preserving, and repairing any of the Works which they may be hereby required or authorized to maintain, preserve, and repair, and for providing proper Engines, Utensils, and Materials for that Purpose, and all other Matters, Articles, and Things concerning the same; and all such Contracts so to be made shall be entered in a Book to be kept for

Trustees may enter into Contracts.

for that Purpose, and signed by the Party or Parties making such Contract and by the said Trustees, and shall be good, valid, and effectual in Law without any more formal or further Deed or Instrument whatsoever.

Trustees to support and preserve the Works;

LXXXVIII. And be it enacted, That the said Trustees for the Time being elected in manner aforesaid shall and they are hereby authorized and required to support, preserve, cleanse, scour, maintain, or alter all Rivers, Streams, Watercourses, Canals, Cuts, Dams, Drains, Banks, Sluices, Tunnels, Bridges, Ways, Roads, Trenches, Outlets, and other Works made, executed, or erected by the said Company of Undertakers, as may be from Time to Time necessary or expedient;

to appoint Clerk and Treasurer, and any other necessary Officers;

and the said Trustees shall at their first Meeting proceed to choose and appoint some Person, not being a Member of their own Body, to be Clerk, and some other Person, not being a Member of their own Body, to be Treasurer to the said Trustees; but it shall not be lawful to the Person so appointed Clerk to the said Trustees, nor for any other Person holding any Place of Profit under them, to be the said Treasurer; and the said Trustees shall also have Power to appoint from Time to Time such other Officers as they may find necessary, and to allow to such Clerk, Treasurer, and other Officers such reasonable Salaries as they may think fit, and to rent or hire an Office for the Transaction of their Business; and such Trustees shall meet from Time to Time, as they may find convenient, at some Place within the District for which they are chosen such Trustees;

and to make Assessments upon Lands benefited, for Support of Works, not exceeding Sixpence per Acre in any One Year.

and the said Trustees shall have Power and Authority to rate, tax, and assess all and every the Occupier or Occupiers of all and every the Lands and Premises embanked, drained, or otherwise benefited or improved by any of the Works executed under the Authority of this Act, in such an equal Rate or Tax, not exceeding Sixpence *per* Acre in any One Year, (except in the Case of a further or larger Tax being consented to as herein-after mentioned,) as shall be necessary to pay and discharge the Expences of preserving, maintaining, and supporting the said Works, and of defraying the reasonable Costs and Charges incurred by the said Trustees in execution of the Duties and Trusts hereby imposed or conferred upon them, and the Salary and Salaries of the said Clerk and Treasurer, and such other Officer or Officers as shall be by them appointed for collecting or receiving such Rates or Taxes and managing and taking care of the said Works, and to appoint such certain Days and Places for the Payment of such Rates and Taxes, half-yearly, to the Collectors or Receivers thereof, as they the said Trustees shall respectively think proper.

If annual Tax of Sixpence is not sufficient, Trustees to cause public Notice to be given of a Meeting to consider of an additional Tax; such

LXXXIX. And be it further enacted That if in any Year it shall appear to the said Trustees that the said Rate or Tax of Sixpence *per* Acre shall yield a Sum insufficient for preserving, supporting, and repairing, or making any needful Alterations in, the said Works, and defraying the said Expences and Salaries, it shall be lawful for the said Trustees to cause public Notice to be given in all the Parish Churches within the District for which they shall be Trustees, on some *Sunday* immediately after Divine Service, and also to cause Notices to be affixed upon the principal Doors of the said Churches, and of every Roman

Roman Catholic Chapel and Presbyterian Meeting House within the District aforesaid, requiring the Proprietors of all Lands and Premises liable to Assessment under the Provisions of this Act to meet at a Time and Place therein specified within the District aforesaid, such Time not being less than Fourteen Days nor more than Thirty Days from the Date of such Notice, then and there to testify their Consent to or Dissent from the said Trustees charging and levying, for the Year then next following, such additional acreable Rate or Tax, over and above the said Rate or Tax of Sixpence *per* Acre as shall be in such Notice expressed, not exceeding One Shilling *per* Acre, upon the several Lands and Premises within the District aforesaid; and such Meeting shall be held accordingly, and the Chairman of the said Trustees shall preside thereat, and the Owners of all the Lands and Premises aforesaid shall have right to attend and vote thereat under the same Provisions, Restrictions, and Qualifications as are herein-before directed and required in the Election of Trustees; and if Five Sixths of such Votes shall be given for charging or levying such additional Rate or Tax as aforesaid, the said Trustees shall have and they are hereby invested with Power and Authority to charge and levy such additional Rate or Tax on such Parts or Shares thereof as they shall think necessary, over and above the said ordinary annual Rate or Tax, in such and the same Manner and by the same Means as they are authorized and empowered to charge and levy such ordinary Rate or Tax.

Meeting to be under same Regulations as first Meeting to elect Trustees.

If Five Sixths vote for additional Tax, it may be made.

XC. And be it enacted, That if any Person or Persons so rated, taxed, or assessed shall refuse or neglect to pay the Money so rated, taxed, or assessed on him, her, or them respectively, within Ten Days after the respective Times of Payment to be appointed as aforesaid, (public Notice of the said Times of Payment being affixed on the Doors of all the Churches and Roman Catholic Chapels and Presbyterian Meeting Houses in the Parishes wherein the said Lands or Premises in respect whereof such Rate or Tax shall be imposed shall be situate,) at such Place as shall be specified in such Notice, it shall be lawful for the Collector or Receiver, or other Person or Persons authorized by virtue of any Warrant or Precept under the Hands and Seals of any Three of the said Trustees, (which Warrant or Precept such Trustees are hereby empowered and required from Time to Time to grant, as Occasion may require,) to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of any Goods or Chattels whatsoever which may be found or met with on the Lands or Premises in respect whereof such Rate or Tax shall have been imposed, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making of such Distress and Sale; or otherwise it shall and may be lawful for the said Trustees from Time to Time to enter upon the Lands, Premises, and Grounds in respect whereof such Rate or Tax may have been imposed, the Rents, Issues, and Profits thereof respectively to receive and take, until thereby or otherwise such Taxes, Rates, or Assessments, and all Arrears thereof, so from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by or attending

In case of Nonpayment of Tax, Trustees may levy the same by Distress; and if that not sufficient may enter Lands.

such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied; and the Tenant or Tenants of all and singular such Lands and Grounds so to be rated, taxed, or assessed, holding the same as Tenant or Tenants from Year to Year or at a Rack Rent, is and are hereby required and authorized to pay such Sum and Sums so assessed and rated thereon as the same shall become due, and it shall be lawful for such Tenant or Tenants from Year to Year or at a Rack Rent to reimburse him, her, or themselves such Sum or Sums of Money out of the next Rent to become due to his, her, or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly.

Tenants to pay Trustees their Tax, and deduct the Amount from the Rent due to their Landlord.

XCI. And be it enacted, That all the Cuts, Drains, Ditches, Dams, Sluices, Tunnels, Bridges, Outlets, Mills, Engines, and other Works which shall at any Time hereafter be made, erected, supported, or maintained for the Purposes of this Act, and all Right, Title, Estate, and Interest in any Lands or Premises purchased by the said Company by virtue of the Powers on them hereby conferred, and the Rights and Property to and in all Engines, and the Materials of which the same shall consist, shall be and they are hereby vested in the said Company of Undertakers acting under and by virtue of the Commission constituting them such for the Time being, until the Powers and Authorities of the said Company of Undertakers shall cease, and until the Trustees herein-before directed to be chosen shall be appointed by virtue of this Act; and from and after such Appointment shall be certified as herein-before mentioned, then the said Lands or Premises, Works, and the Right and Property to and in the same, and the Materials of which the same shall consist, shall be and the same are hereby vested in the said Trustees; and the said Company of Undertakers and Trustees respectively are hereby authorized and empowered to insure such Engines from Fire, and for and during the Periods of their respective Possession aforesaid to bring or cause to be brought any Action in the Name of any Three or more of the said Company or Trustees, as the Case may be, or of the Clerk or Clerks, Treasurer or Treasurers of such Company or Trustees, and to prefer and prosecute or order and direct the preferring and prosecuting of Indictments, against any Person or Persons who shall break or pull down, steal, take, or carry away, spoil, injure, or destroy any of the said Goods, Materials, Utensils, Implements, or other Things, or who shall do any Act to injure or obstruct any Person employed by the said Company or Trustees in execution of any of the Powers created by or derived under Authority of this Act; in which Action or Actions, Bill or Bills of Indictment, it shall be sufficient to state generally such Goods, Materials, Utensils, Implements, or other Things to be the Property of any Three of the said Company of Undertakers or Trustees, as the Case may be, or of the Officer in whose Name such Action or Bill of Indictment may be brought or preferred.

Works and Materials of which the same shall consist to be vested in Company until Trustees appointed, and afterwards in the Trustees.

XCII. And be it further enacted, That the said Company of Undertakers or Trustees respectively shall and they are hereby authorized and empowered from Time to Time and at all Times hereafter,

Weirs may be altered or removed, making Com-

hereafter, when they shall think the same advisable, to alter or remove any Weirs erected upon Streams of Water, or any Impediments whatsoever on any River, Stream, or Watercourse, which now or hereafter shall be in the District and under the Jurisdiction of the said Company or Trustees, making proper Satisfaction and Compensation for all such Damage or Injury to the Proprietors or other Persons interested in such Weirs, River, Stream, or Watercourses, by and out of the Monies to be raised and levied by virtue of this Act; and in case the said Company or Trustees and the said Proprietors and other Persons cannot agree about the Quantum of such Satisfaction or Compensation, then and in such Case the same shall be ascertained and settled in like Manner as the Value of Land or Ground used or taken by the said Company of Undertakers by virtue of this Act, and any Damage or Injury which may be done under any of the Powers of this Act, are herein-before directed to be settled and ascertained.

pensation to the Owners thereof.

XCIII. And be it enacted, That nothing in this Act contained shall extend or be construed to enable any Company of Undertakers or Trustees constituted under this Act to take or appropriate any Mill or Mill Site, or in any Manner to alter or divert any River, Stream, or Watercourse, so as to impede or diminish the Supply of Water to any Mill erected before the passing of this Act, without the Consent in Writing first had and obtained of the Owner or Owners or Occupier of such Mill or Mill Site.

Company not to appropriate any Mill or Mill Site, or divert any River, &c. without Consent.

XCIV. Provided always, and be it enacted, That in Cases where from the damming up of any River or Stream for the Purpose of raising a Head of Water above the natural Level thereof, so as to procure a greater Power of Water for any Mill, occasional Damage may arise by the overflowing of such River or Stream, it shall and may be lawful for such Company of Undertakers or Trustees respectively to construct any Reservoir, Embankment, Tunnel, or Back Drain, and to erect any Flood-gates, Sluices, or other Works which may be necessary to prevent the ill Consequences of sudden Floods in such Rivers or Streams, and to provide for the more safe and easy Discharge of surplus Water therefrom, but always so that the same average Level of Water theretofore enjoyed by any such Mill shall be at all Times maintained and preserved; and such Level shall be previously ascertained and declared by Two indifferent Persons, one named by such Company of Undertakers or Trustees, as the Case may be, and another by the Owner or Owners of such Mill respectively, or in case of Disagreement between such Two Persons, then by an Umpire nominated by such Two Persons.

Company may erect Works necessary to prevent the ill Consequences of Floods.

XCV. And for the Prevention of Differences between the said Company or Trustees and the Owner or Occupiers of any such Mill, be it further enacted, That at each and every Flood-gate, Sluice, or other convenient Position, a Stone Cill or Gauge shall be erected, and that in clear and legible Figures or Letters the due and proper Level of Water ascertained and declared as aforesaid and to be maintained thereat shall be marked; and the said Company shall appoint a proper Person or Persons to be approved of by the Owner or Owners

For the Erection of Stone Cills or Gauges in certain Places.

or

or Occupier of such Mill, for the Regulation, opening, and closing of such Flood-gates and Sluices; and all the Expences of making and maintaining the same, and such Cills or Gauges, and of remunerating such Person employed to regulate the same, shall be defrayed by the said Company of Undertakers or Trustees elected as herein-after provided under Authority of this Act, as the Case may be.

Not to exonerate Proprietors from making such Repairs as were necessary before the passing of this Act.

XCVI. Provided always, and be it further enacted, That nothing herein contained shall be construed to exonerate the Proprietor or Proprietors of any Mill or Mill Site, or any other Person or Persons, from such Obligation, Duty, or Liability to preserve or repair the Banks of any River, Stream, or Watercourse, or to maintain any Dam or Sluice or Flood-gate, or any Engine, Contrivance, or other Work for regulating the Supply of Water in any Dam or Watercourse, as he, she, or they may or would have been respectively subject or liable to if this Act had not been made.

Company not liable for Damage arising to Lands, &c. from Insufficiency of Embankments, &c. unless Notice previously given.

XCVII. And be it further enacted, That nothing herein contained shall be construed to render the said Company of Undertakers or Trustees respectively liable for any consequential Damages which may happen to any Lands, Hereditaments, or Premises through or by the accidental overflowing of any River, Stream, or Watercourse, or by the sudden breaking of any Bank, Dam, or Sluice whatsoever, which, under the Provisions of this Act, any Company of Undertakers or Trustees may take upon them the Duty of regulating or maintaining: Provided nevertheless, that if the Owner or Occupier of such Lands, Hereditaments, or Premises shall have given Notice in Writing to the Chairman or some Member of the Committee of Management of the said Company of Undertakers, or to One of such Trustees, warning him or them of the Probability of such Damage, or the Weakness and Deficiency of any such Bank, Dam, or Sluice, and requiring him or them to strengthen, amend, and repair the same, and that the said Company or Trustees, as the Case may be, shall not, within Seven Days next after the Delivery of such Notice, take proper Precautions to prevent such Damage happening, so far as it may be possible to prevent the same, then and in such Case the Amount of all consequential Damages which shall happen through Neglect thereof shall be made good by and out of the Capital Stock of the said Company of Undertakers, and the same shall be in Reduction and Abatement of the Profits of their Undertaking, or, in case the same shall happen after the Appointment of Trustees under this Act, shall be raised and made good by an extraordinary Assessment to be and which shall be made and levied in like Manner as any other Assessment made and levied by such Trustees pursuant to the Powers herein-before vested in them.

Persons interested in Waters, &c. may repair Damages at Expence of Company.

XCVIII. And be it enacted, That it shall and may be lawful for any Person interested in any Mill, Lands, or Premises, or in any Water, in case of any Obstruction, Want of Repair, or other Cause hindering the full and proper Quantity of Water from flowing to any Mill, Lands, or Premises, to give Notice in Writing to some Member of the Committee of Management of the said Company of Undertakers or Trustees, as the Case may be, requiring him or them to remove

remove such Obstruction or other Cause, and to make any Repairs necessary to secure the full and proper flowing of the said Water to the Persons interested therein as aforesaid; and in case the said Company of Undertakers or Trustees, as the Case may be, shall not, within the Space of Ten Days from the Service of such Notice, remove such Obstruction or other Cause, or proceed to make and complete such Repairs, then it shall be lawful for such Persons so interested as aforesaid, or any of them, or any of their Agents, to remove such Obstruction or other Cause, and to make any Repairs necessary to secure the full and proper flowing of the said Water; and all reasonable Expences thereof, together with the Costs and Charges attending the same, shall be repaid by the said Company of Undertakers or Trustees, as the Case may be, to any such Person or Persons aforesaid, and the same shall be included and computed among the ordinary Charges and Expences of making and maintaining the Works by this Act authorized to be undertaken, and shall and may be raised and levied accordingly.

Recovery of Damages, &c.

XCIX. And be it enacted, That if the said Company of Undertakers or the said Trustees, as the Case may be, fail to pay any Sum to which they may become liable, either for consequential Damages, or for the Removal of any Obstruction or making any Repairs under the Provisions of this Act, the same shall, with all attendant Costs and Charges, be sued for and recovered by Action of Debt in any of His Majesty's Courts of Record at *Dublin* against such Company of Undertakers or Trustees respectively.

Trustees may erect Steam Engines for the better Discharge of Water, &c.

C. And whereas it may be deemed necessary and expedient, for the Purpose of facilitating the Discharge of the Waters from the said Drains and Lands contiguous thereto, that One or more Engine or Engines to be worked by Steam be erected; be it therefore enacted, That it shall and may be lawful respectively to and for the said Company of Undertakers or Trustees to be elected and appointed as aforesaid, and they and he are hereby authorized and required, at any Time after their Appointment under this Act, to make, erect, and build, or cause to be made, erected, and built, at such Place or Places as they the said Trustees may in their Judgment think best, One or more good and substantial Engine or Engines to be worked by Steam, with all proper Machinery, Houses, Sluices, Pits, and other necessary Works; and the same Engine and Engines, and all other Works incidental thereto, shall, on the same being made, built, erected, and completed, be for ever thereafter vested in, and used, maintained, supported, and kept in repair by, the said Company of Undertakers or Trustees for the Time being, out of the annual Rates and Assessments authorized by this Act to be raised and levied as aforesaid.

Herbage of the Banks to belong to Proprietors of adjoining Lands.

CI. And be it enacted, That the Herbage and Produce of the Banks to be made or erected by virtue of this Act shall belong to and be the Property of the Proprietors or Occupiers of the Lands adjoining thereto respectively, and shall be consumed or taken away at the Option of such Proprietors or Occupiers; subject nevertheless to such Rules, Orders, and Regulations for stocking the said Banks, and fencing the same from the adjoining Lands, as the said Company

and Trustees respectively shall from Time to Time think necessary, and order, direct, or appoint, for the Protection and Preservation thereof.

Commission may be granted to One or more Persons, without creating a Joint Stock Company.

CII. And whereas the Works by this Act authorized to be executed may in some Instances be conveniently undertaken and executed by One or more Person or Persons, and not by a Joint Stock Company as herein-before provided; be it therefore further enacted, That it shall and may be lawful for any One or more Person or Persons, not exceeding Six, to make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for a Commission for carrying into effect the Purposes of this Act in like Manner and Form, and upon and after such Notice, and the Observance and Performance of like Preliminaries, so far as the same are applicable, as have been herein-before appointed and required in order to the procuring and granting a Commission to or creating any Joint Stock Company for the Purposes of this Act; and the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* is and are hereby authorized, if to him or them it shall seem fit, to grant and issue such Commission accordingly, conferring such and the like Powers and Authorities as might or ought to have been contained in and conferred by a Commission creating any Joint Stock Company under the Provisions of this Act, or such Share of such Powers as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* may seem good; and the Person or Persons in such Commission named shall be and is and are hereby declared to be and become by virtue of such Commission, from the Date of the issuing thereof, an Undertaker or Undertakers within the Meaning of this Act for executing the Works by such Commission authorized, and shall have, use, and exercise all such Privileges, Powers, and Authorities, and be subject and liable to all such Obligations and Duties, and invested with all such Incidents, as are by this Act conferred or imposed or attached upon any Joint Stock Company constituted Undertakers under the Provisions of this Act, save and except in so far as the same may be inappropriate, or shall be modified or abridged by the said Lord Lieutenant or other Chief Governor or Governors in the Exercise of his or their Discretion as aforesaid; and the like Proceedings in all respects, so far as the same may be possible, shall be taken under any Commission so to be granted to any One or more Person or Persons as under any Commission creating and granted to any Joint Stock Company; and on the Completion of the Works performed thereunder, Trustees shall be in like Manner appointed for the Preservation thereof, and from Time to Time continued, and all other the Provisions of this Act shall be deemed and taken to apply and extend to the Case of any Commission so to be granted to any One or more Persons as fully and effectually as to the Case of any Commission creating or granted to any Joint Stock Company, so far as the same are applicable thereto.

No such Commission to issue without a Recogni-

CIII. Provided always, and be it enacted, That no such Commission shall issue to any Person or Persons (not being created a Joint Stock Company) until and unless such Person or Persons shall previously enter into Security, by Writing Obligatory to our Sovereign Lord the

King, in such penal Sum or Sums of Money as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, such Sum not being less than the Amount of Estimate of the Expence of the whole Works proposed to be executed under the said Commission, binding himself or themselves jointly and severally to execute and perform, within a Time to be limited in such Writing Obligatory, the said Works conformably to the Plan and Specification thereof previously to be made; and the said Lord Lieutenant or other Chief Governors of *Ireland* shall have Power and Authority to cause such Writing Obligatory to be taken and entered into before such Person as he or they may think fit, and the same shall be made by such Form of Words as Obligations to the King's Majesty have been used to be made, and with such Conditions thereunder written as the Nature of the Case may require; and every such Obligation shall be of like Force and Validity as any Obligation to the King hath or may be adjudged to have or be, any Law or Usage to the contrary in anywise notwithstanding; and such Obligations shall and may be put in Suit on breach or default in or of any Condition therein contained, in such Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct; and in case any Proceedings shall be so directed to be taken against any Obligor or Obligors, no Writ or Writs of Scire facias shall be required to be issued; but upon the Production of the Warrant or Warrants under the Hand or Hands of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* before any of the Barons of the said Court of Exchequer, an Extent shall and may issue in the first Process upon the Fiat of such Baron, without any Affidavit or other Verification or Proof of the Cause of such Proceeding than such Warrant or Warrants as aforesaid.

zance being entered into for the Performance of the Work.

CIV. And in order to provide for Works of a smaller Extent, be it further enacted, That where the clearing, sinking, embanking, or altering the Course of any River or Stream may be accomplished at or for a Sum the Amount whereof shall not exceed Two hundred Pounds, it shall and may be lawful for any Person having in Lands bordered or intersected by any such River or Stream a Freehold Estate of Fifty Acres at the least, or a Term of Years whereof Twenty-one shall be then unexpired of like Extent, and who may be willing to advance the Money required for, and desirous of undertaking the Performance of, any such Work as aforesaid, to make Application to the Grand Jury of any County through or on the Borders of which such River or Stream may flow, for a Presentment enabling him in that Behalf; and Notice of such Application shall be given and the same made in like Manner as Notices of Applications for other Presentments and such Applications now are or by Law may or ought to be, or shall hereafter be by Law required or appointed to be given or made, and it shall not be necessary to give Notice of such Application in any other Manner, any thing herein-before contained to the contrary notwithstanding; and it shall and may be lawful for any Grand Jury, upon such Application, to proceed in like Manner as they now are or hereafter may be by Law empowered to proceed upon and deal with other Applications for Presentments, and to make such Presentment accordingly; and such

Works of smaller Extent may be undertaken by virtue of a Grand Jury Presentment, made in favour of a Landholder.

such Presentment shall be subject to the like Traverse as any other Presentment or Presentments, and shall, when duly fiated, have and be of like Force and Effect as any Commission granted under Authority of this Act, and like Proceedings shall be had and taken thereunder as have been herein-before appointed to be taken under such a Commission, so far as such Proceedings may be applicable, or as other Proceedings may not be herein-after prescribed to be taken in lieu thereof.

What the Application for a Presentment shall contain.

CV. And be it enacted, That every Application for a Presentment under this Act shall set forth the Names of the Owner or Owners, Occupier or Occupiers of all Lands washed or intersected by the River or Stream proposed to be improved under such Presentment, and the Breadth of such River or Stream at the Surface and at the Bottom, and the Depth thereof, and shall describe the Operations proposed to be undertaken, and whether the Course or Channel of any such River or Stream is proposed to be changed; and in such Case a Map, showing the proposed Change or Diversion, shall be annexed to such Application; and in case it is intended that any Bridge or Bridges shall be built, altered, or repaired, then and in such Case such Application or Presentment shall be made in like Manner and Form as any Application or Presentment for the Purpose of making or repairing any Bridge now is or hereafter may be by Law required or appointed to be applied for and made; and every Application for a Presentment under this Act shall also be accompanied by a detailed Estimate of the Expence of making the proposed Alterations, specifying at what Rate by the Rod or Perch, or other convenient and suitable Measure, the proposed Works are to be executed; and such Application and Presentment shall in all other Particulars be made and dealt with in conformity to the Provisions now by Law established, or which may be established in respect of Applications and Presentments, for any other Purpose whatsoever; and all Applications and Presentments made under this Act shall be printed and distributed respectively at like Times and in like Manner, and the Expence thereof in like Manner defrayed, as any other Applications or Presentments now are or hereafter may be required by Law to be printed, distributed, and paid for.

How Account shall be taken.

CVI. And be it further enacted, That, on the Completion of the Work authorized to be undertaken by such Presentment, the Person or Persons named therein shall give Notice of his Intention to account for the same in the same Manner as Notice of like Intention is or by Law may be required to be given in case of other Presentments, and such Work shall be accounted for accordingly, and proper Vouchers for all Disbursements produced, together with a Certificate under the Hand of some skilful Surveyor or Engineer to be approved of by the Grand Jury who shall have made the Presentment for such Work, certify the due Execution thereof; and it shall and may be lawful, for the Purpose of such Account, to examine upon Oath such Surveyor or Engineer, or any other Person or Persons who may be acquainted with the Matter, such Oath to be administered in like Manner as in other Cases of Persons sworn to give Evidence in accounting for any County Work or Money;

Money; and any Person swearing falsely therein shall be deemed guilty of Perjury, and suffer the Pains and Penalties of Perjury accordingly; and when such Accounts shall have been examined and passed, the Grand Jury shall declare the Amount of the Expenditure incurred in and about the said Work, and a Certificate thereof shall be delivered by the Secretary of the Grand Jury to the Persons who shall be appointed under the Provisions hereafter following to applot the same.

Landowners to appoint Applotters, who shall hear all Claims for Compensation.

CVII. And be it further enacted, That the several Persons whose Names shall be set forth in the said Presentment as Owners or Occupiers of Land washed or intersected by the River, Stream, or Watercourse improved thereunder, shall meet at such Place and Time as the Person who may have executed such Work shall fix and appoint by Notice to be given in such Manner as the Grand Jury making such Presentment shall have appointed, and at such Meeting Two or more Persons shall be chosen by a Majority of the Votes of the Persons then present; and such Two or more Persons shall, in the first place, proceed to hear and examine all Claims of Compensation for any Damage which may have been anywise occasioned in or through the Execution of the Work executed under the said Presentment, and such Two or more Persons (or, in case of any Disagreement between them, an Umpire to be by them chosen,) shall determine upon all such Claims of Compensation; and they shall, in the next place, proceed to applot the Amount of the Expenditure in and about such Work, ascertained, declared, and certified as aforesaid, together with the gross Amount of all Claims of Compensation which shall be by them allowed and confirmed, upon and off the Lands affected by such Work, in proportion to the Quantum of Benefit resulting or accruing to each Subdivision thereof, Acre by Acre, Rood by Rood, Perch by Perch, or by such other Subdivision thereof as may be deemed just and convenient: Provided always, that the whole Amount of the Money so applotted, including the Expenditure on the Work, and all Compensation allowed under the Provision aforemade, shall not exceed Two hundred Pounds; and the Person making such Applotment shall deliver the same, accompanied by a Certificate of the Amount, and Particulars of the several Claims to Compensation by them allowed, and the Name of the Persons to whom Payment ought to be made, within Thirty Days next after they had been so appointed, to the Treasurer of the County in which such Lands may respectively lie; and such Treasurer shall issue his Warrant or Warrants, setting out such Applotment, and authorizing and requiring, without further Applotment, the Collection of the Sums so applotted; and such Sums shall and may be collected, raised, and levied pursuant to such Warrant and in like Manner as any other Money authorized to be levied by any other Grand Jury Presentment or Treasurer's Warrant is or may be by Law appointed to be raised; and all Powers, Obligations, Duties, Penalties, and Authorities which are now or hereafter may be created or provided to secure the collecting, levying, and safe-keeping of Money appointed to be raised under such Presentments, shall be alike valid and effectual as respects Money appointed to be raised under Presentment made by Authority of this Act, and all Securities

Money applotted shall be levied as Money raised under other Grand Jury Presentments.

rities taken or to be taken for the Custody thereof of or from the Treasurer of any County, or any other Person whomsoever, shall extend to and include the Money raised under Authority of this Act; and the Money so raised and paid under Authority of this Act to such Treasurer shall be paid over to the Person or Persons who may have undertaken and executed the Work included in such Presentment, and to any Person or Persons who may have made out any Claim to Compensation under the Provisions herein-before contained respectively, in the several Portions in which they may be entitled thereto, in such Manner and subject to such Direction as the Grand Jury by which the Accounts may have been passed shall have appointed, and also pursuant to such Certificate as the said Two or more Persons appointed by the Landowners and Occupiers in manner aforesaid may have delivered to such Treasurer: Provided always, that the Claims for Compensation allowed by such Two or more Persons shall be in the first place discharged, so that the Deficit, if any, shall fall on the Undertaker of the Work.

No Action to be brought against Persons acting in execution of this Act, until after Notice has been given specifying the Cause of Action.

CVIII. And be it enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted by any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers or Authorities of any Commission or Presentment herein authorized to be granted, or of the Powers and Authorities of the Trustees to be elected hereunder, unless Notice in Writing of such Action, Suit, or Information, specifying the Ground or Cause thereof, and signed by the Attorney of the Plaintiff or Plaintiffs, shall be given to some Member of the Committee of Management of any Company of Undertakers, or to some One Undertaker where no Joint Stock Company as aforesaid may be created, or some One of the Trustees to be elected under this Act, or left at the Office of such Company or Trustees, as the Case may be, at least Twenty-one Days before such Action, Suit, or Information shall be

Limitation of Action Six Months.

commenced, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants may, at his or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought or commenced otherwise than as herein-before directed, then and in such Case the Jury shall

If Verdict for Defendants, or Plaintiffs nonsuited, or discontinue Action, Defendants to have Treble Costs.

find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, Suits, or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as

any other Defendant or Defendants hath or have in other Cases at Law.

No Action to be brought after Tender of sufficient Amends.

CIX. And be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be brought against the said Company or Undertaker or Trustees for any thing done by them or him in execution of the Powers vested in them by their Commission or by this Act, as the Case may be, if Tender of sufficient Amends shall be made by or on behalf of the said Company or Trustees or Undertaker before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and given in and by such Court as in Actions where the Defendant is allowed to pay Money into Court.

If no Tender made, Money may be paid into Court, by Leave, before Issue joined.

Actions not to abate in consequence of Death of Parties.

CX. Provided always, and be it further enacted, That in the Case of any Company or Trustees, if any of the Parties, Plaintiffs or Defendants, in any Action to be brought for any Act, Matter, or Thing done or to be done in pursuance of this Act, or under Pretence thereof, shall die pending the same, such Action shall not abate by reason of the Death of such Parties, but shall be proceeded in as if no such Event had happened; and if any Party against whom such Action might have been brought if living should die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action against the Party or Parties so dying, to bring the same, within the Time so limited as aforesaid, against such Party or Parties as if actually living, and to serve the Clerk or Clerks to the said Company of Undertakers or Trustees, as the Case may be, with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent upon the said Company of Undertakers or Trustees, as the Case may be, by Direction or Order or Authority of whom the Act or Thing being the Cause or Ground of the Action aforesaid may have been done or committed, to appear and defend such Action or Actions in the Name or Names of the Party or Parties so dead, and Proceedings shall be had therein in the same Manner as if such Party or Parties had been actually living; and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions may be instituted against any One Trustee or Undertaker, who may sue for Contribution from his Co-trustees.

CXI. And be it enacted, That all Actions, Suits, and Proceedings, whether at Law or in Equity, or otherwise, to be commenced, instituted, or prosecuted, under the Provisions of this Act, by or in behalf of or against any Trustees or Undertakers not being a Joint Stock Company, shall and may be commenced, instituted, and prosecuted by or against any One of such Trustees or Undertakers, without naming any other of such Trustees or Undertakers, and that

that Execution may be taken out in any such Action or Suit against the Party named on the Record, who shall be entitled to have and sue for Contribution from his Co-trustees or Undertakers, as the Case may be.

In case of Death or Refusal of any Engineer or Surveyor to act, another to be appointed.

CXII. Provided also, and be it further enacted, That in case at any Time or Times any Engineer or Surveyor or other Person or Persons appointed under the Provisions of this Act to make any Survey or Valuation, or to decide any Difference, or to make any Arbitration or Umpirage or Applotment, shall die before making their or his Award or Awards, or performing the Office for which he or they may have been appointed, or before nominating an Umpire, or shall neglect or refuse to act in the Execution of the several Powers and Authorities herein-before given to them for the Space of One Week, another Engineer or Surveyor, or One or more other Person or Persons, as the Case may happen, shall be forthwith appointed by the Parties or Party by or for whom the Engineer, Surveyor, or other Person or Persons who shall so die or refuse as aforesaid may have been appointed to act; which newly-appointed Engineer, Surveyor, or other Person or Persons shall proceed with the Survey, Valuation, Arbitration, Applotment, or other Matter, and shall have the same Powers and Authorities to proceed therein, in all respects as if they or he had been originally appointed for the Purposes in this Act in that Behalf mentioned; and in case any Umpire to be appointed as herein-before mentioned shall die, or shall neglect or refuse to act in respect of the Matters and Things which shall be referred to him for the Space of One Week, then and in every such Case another Person shall be appointed to act, and shall have full Power and Authority to act, as Umpire in the several Matters and Things which shall be referred to him; and the Acts and Determinations of any originally and newly appointed Engineer or Surveyor, or of any newly-appointed Arbitrators, or of any newly-appointed Umpire, as aforesaid, shall be as binding and conclusive to all Intents and Purposes as if such Acts or Determination had been performed or made by the Engineer, Surveyor, or other Persons, or by the Umpire, respectively originally appointed: Provided always, that the Acts of Determination of any former Engineer, or Surveyor, or Arbitrator or Arbitrators, or Umpire, shall be valid and effectual to all Intents and Purposes so far as the same may extend, and that it shall not be necessary to commence any such Survey, Valuation, Arbitration, or Umpirage *de novo*.

Acts of former Engineer, &c. to be valid.

Officers of Company may be Witnesses.

CXIII. And be it enacted, That in all such Actions, Suits, or Informations as aforesaid, it shall and may be competent for the Treasurer, Clerks, or other Officer or Officers, or Persons employed by the said Company, Undertakers, or Trustees, to be a Witness or Witnesses.

Penalty on Witnesses refusing to appear or refusing to give Evidence.

CXIV. And be it enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence committed against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, shall refuse or neglect to appear

appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before any such Justice or Justices, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Recovery of Penalties and Forfeitures.

CXV. And be it enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, and the Manner of levying and Recovery whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One of His Majesty's Justices of the Peace for the County within which such Offence shall have been committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice is hereby empowered to administer,) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant for such Purpose; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines shall be from Time to Time paid to the said Company, Undertakers, or Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the said Justice, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, and Fines can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County, there to remain without

Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid or satisfied.

Company or Trustees may give Informant Part of Penalties.

CXVI. Provided always, and be it enacted, That it shall be lawful for the said Company, Undertakers, or Trustees respectively, if they shall see Cause, to pay and apply any Part of the said Penalties, Forfeitures, and Fines, or any of them, to and for the Use of the Informer or Informers, or any Person or Persons (not being a Witness or Witnesses) aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them, any thing herein contained to the contrary thereof notwithstanding.

Piers not to be constructed near public Harbours, &c. without Consent of the Lord High Admiral.

CXVII. And whereas it is expedient to provide against any Injury which may otherwise arise to Navigation and Commerce by an injudicious or improper Exercise of the Powers of this Act; be it further enacted, That it shall not be lawful for any Person or Persons, either under the Powers of this Act or otherwise, to make, construct, or erect, or to cause to be made, constructed, or erected, any Pier, Quay, Wharf, Jetty, Breast, or Embankment in or adjoining to any public Harbour, or any River immediately communicating therewith, so far as the Tide flows up the same, without first obtaining the Authority and Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, to be for that Purpose signified in Writing under the Hand of the Secretary of the Admiralty for the Time being; and if any Person or Persons shall make, construct, or erect, or cause to be made, constructed, or erected, any such Pier, Quay, Wharf, Jetty, Breast, or Embankment contrary hereto, every Person so offending shall be deemed guilty of a Misdemeanor, and on Conviction be subject to Punishment by Fine and Imprisonment, at the Discretion of the Court before which the Conviction shall take place, and every such unauthorized Work shall be forthwith abated and removed, and the Shore restored to its former Condition, by or at the Expence of the Person or Persons so unlawfully causing such Work to be made.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LVIII.

An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims. [20th *October* 1831.]

WHEREAS it often happens that a Person sued at Law for the Recovery of Money or Goods wherein he has no Interest, and which are also claimed of him by some Third Party, has no Means of relieving himself from such adverse Claims but by a Suit in Equity against the Plaintiff and such Third Party, usually called a Bill of Interpleader, which is attended with Expence and Delay; for Remedy thereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon Application made by or on the Behalf of any Defendant sued in any of His Majesty's Courts of Law at *Westminster*, or in the Court of Common Pleas of the County Palatine of *Lancaster*, or the Court of Pleas of the County Palatine of *Durham*, in any Action of Assumpsit, Debt, Detinue, or Trover, such Application being made after Declaration, and before Plea, by Affidavit or otherwise, showing that such Defendant does not claim any Interest in the Subject Matter of the Suit, but that the Right thereto is claimed or supposed to belong to some Third Party who has sued or is expected to sue for the same, and

Upon Application by a Defendant in an Action of Assumpsit, &c. stating that the Right in the Subject Matter is in a Third Party, the Court may order

such Third Party to appear and maintain or relinquish his Claim, and in the meantime stay Proceedings in such Action.

and that such Defendant does not in any Manner collude with such Third Party, but is ready to bring into Court or to pay or dispose of the Subject Matter of the Action in such Manner as the Court (or any Judge thereof) may order or direct, it shall be lawful for the Court, or any Judge thereof, to make Rules and Orders calling upon such Third Party to appear and to state the Nature and Particulars of his Claim, and maintain or relinquish his Claim, and upon such Rule or Order to hear the Allegations as well of such Third Party as of the Plaintiff, and in the meantime to stay the Proceedings in such Action, and finally to order such Third Party to make himself Defendant in the same or some other Action, or to proceed to Trial on One or more feigned Issue or Issues, and also to direct which of the Parties shall be Plaintiff or Defendant on such Trial, or, with the Consent of the Plaintiff and such Third Party, their Counsel or Attornies, to dispose of the Merits of their Claims and determine the same in a summary Manner, and to make such other Rules and Orders therein as to Costs and all other Matters as may appear to be just and reasonable.

Judgment and Decision to be final.

II. And be it further enacted, That the Judgment in any such Action or Issue as may be directed by the Court or Judge, and the Decision of the Court or Judge in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them.

If such Third Party shall not appear, &c. the Court may bar his Claim against the original Defendant.

III. And be it further enacted, That if such Third Party shall not appear upon such Rule or Order to maintain or relinquish his Claim, being duly served therewith, or shall neglect or refuse to comply with any Rule or Order to be made after Appearance, it shall be lawful for the Court or Judge to declare such Third Party, and all Persons claiming by, from, or under him, to be for ever barred from prosecuting his Claim against the original Defendant, his Executors or Administrators; saving nevertheless the Right or Claim of such Third Party against the Plaintiff; and thereupon to make such Order between such Defendant and the Plaintiff, as to Costs and other Matters, as may appear just and reasonable.

Proviso as to Orders made by a single Judge.

IV. Provided always, and be it further enacted, That no Order shall be made in pursuance of this Act by a single Judge of the Court of Pleas of the said County Palatine of *Durham* who shall not also be a Judge of one of the said Courts at *Westminster*, and that every Order to be made in pursuance of this Act by a single Judge not sitting in open Court shall be liable to be rescinded or altered by the Court in like Manner as other Orders made by a single Judge.

If a Judge thinks the Matter more fit for the Decision of the Court, he may refer it.

V. Provided also, and be it further enacted, That if upon Application to a Judge, in the first instance or in any later Stage of the Proceedings, he shall think the Matter more fit for the Decision of the Court, it shall be lawful for him to refer the Matter to the Court; and thereupon the Court shall and may hear and dispose of the same in the same Manner as if the Proceeding had originally commenced by Rule of Court, instead of the Order of a Judge.

For Relief of Sheriffs and other Officers in Execution of Process against Goods and Chattels.

VI. And whereas Difficulties sometimes arise in the Execution of Process against Goods and Chattels, issued by or under the Authority of the said Courts, by reason of Claims made to such Goods and Chattels by Assignees of Bankrupts and other Persons not being the Parties against whom such Process has issued, whereby Sheriffs and other Officers are exposed to the Hazard and Expence of Actions; and it is reasonable to afford Relief and Protection in such Cases to such Sheriffs and other Officers; be it therefore further enacted, That when any such Claim shall be made to any Goods or Chattels taken or intended to be taken in Execution under any such Process, or to the Proceeds or Value thereof, it shall and may be lawful to and for the Court from which such Process issued, upon Application of such Sheriff or other Officer made before or after the Return of such Process, and as well before as after any Action brought against such Sheriff or other Officer, to call before them, by Rule of Court, as well the Party issuing such Process as the Party making such Claim, and thereupon to exercise, for the Adjustment of such Claims and the Relief and Protection of the Sheriff or other Officer, all or any of the Powers and Authorities herein-before contained, and make such Rules and Decisions as shall appear to be just, according to the Circumstances of the Case; and the Costs of all such Proceedings shall be in the Discretion of the Court.

Rules, Orders, &c. made in pursuance of this Act may be entered of Record, and made Evidence.

Costs.

Writs.

Sheriffs Fees.

VII. And be it further enacted, That all Rules, Orders, Matters, and Decisions to be made and done in pursuance of this Act, except only the Affidavits to be filed, may, together with the Declaration in the Cause (if any), be entered of Record, with a Note in the Margin expressing the true Date of such Entry, to the end that the same may be Evidence in future Times, if required, and to secure and enforce the Payment of Costs directed by any such Rule or Order; and every such Rule or Order so entered shall have the Force and Effect of a Judgment, except only as to becoming a Charge on any Lands, Tenements, or Hereditaments; and in case any Costs shall not be paid within Fifteen Days after Notice of the Taxation and Amount thereof given to the Party ordered to pay the same, his Agent or Attorney, Execution may issue for the same by Fieri facias or Capias ad satisfaciendum, adapted to the Case, together with the Costs of such Entry, and of the Execution if by Fieri facias; and such Writ and Writs may bear Teste on the Day of issuing the same, whether in Term or Vacation; and the Sheriff or other Officer executing any such Writ shall be entitled to the same Fees, and no more, as upon any similar Writ grounded upon a Judgment of the Court.

Upon any Application under 1 W. 4. c. 21. and this Act, the Court to exercise such Powers and make such Rules as are given by or mentioned in this Act.

VIII. And whereas by a certain Act made and passed in the last Session of Parliament, intituled *An Act to improve the Proceedings in Prohibition and on Writs of Mandamus*, it was among other Things enacted, that it should be lawful for the Court to which Application may be made for any such Writ of Mandamus as is therein in that Behalf mentioned to make Rules and Orders calling not only upon the Person to whom such Writ may be required to issue, but also all and every other Person having or claiming any Right or Interest in or to the Matter of such Writ, to show Cause against the issuing of such Writ and Payment of the Costs of the Application, and upon the

the Appearance of such other Person in compliance with such Rules, or in default of Appearance after Service thereof, to exercise all such Powers and Authorities, and make all such Rules and Orders applicable to the Case, as were or might be given or mentioned by or in any Act passed or to be passed during that present Session of Parliament for giving Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims: And whereas no such Act was passed during the then present Session of Parliament; be it therefore enacted, That upon any such Application as is in the said Act and herein-before mentioned, it shall be lawful for the Court to exercise all such Powers and Authorities, and make all such Rules and Orders applicable to the Case, as are given or mentioned by or in this present Act.

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ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

CAP. LIX.

An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown, for the Benefit of poor Persons residing in the Parish in which such Crown Land is situated.

[20th *October* 1831.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor,* Power is given to Churchwardens and Overseers of the Poor to provide Land for the Employment of the Poor: And whereas it is expedient to extend such Power, so as to enable Churchwardens and Overseers of the Poor to acquire for such Purposes Portions of Forest or Waste Lands belonging to the Crown: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Churchwardens and Overseers of the Poor of any Parish to inclose from any Forest or Waste Lands belonging to the Crown lying in or near to such Parish, with the Consent in Writing of the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to be signified by some Warrant under his or their Hand or Hands, any Part or Portion of such Forest or Waste Lands not exceeding Fifty Acres, for the Purpose of cultivating and improving the same for the Use and Benefit of such Parish and the poor Persons within the same.

59 G. 3. c. 12.

Churchwardens, with Consent of Treasury, may inclose Crown Lands not exceeding 50 Acres.

Persons renting such Land not to gain a Settlement.

II. Provided always, and be it further enacted, That no Poor Inhabitant of any Parish or Place to whom any Land shall be let which shall or may have been or shall be hired or taken or inclosed under or by virtue of the said recited Act or this Act, shall gain a Settlement by reason of his renting and occupying or paying Parochial Taxes for such Lands, either alone or with any other Land or Tenement.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. LX.

An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of *England* and *Wales*.

[20th *October* 1831.]

WHEREAS it is expedient to provide for the Election of Vestries, and of Auditors of Parish Accounts, in certain Parishes of *England* and *Wales*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act and the several Provisions thereof shall apply to and may be adopted, under and subject to the Regulations herein contained, by any Parish or Parishes in *England* and *Wales*.

Act may be adopted by any Parish.

II. And be it further enacted, That when in any Parish certain of the Rate-payers thereof may desire that the said Parish should come under the Operation of this Act, then and in that Case any Number of Rate-payers amounting at least to One Fifth of the Rate-payers of such Parish, or any Number of Rate-payers amounting at least to Fifty Parishioners, may, on some Day between the First Day of *December* and the First Day of *March*, deliver a Requisition, by them signed, and describing their Places of Residence, to the Churchwardens, or to One of them, serving for the said Parish, requiring

Manner of adopting it in Parishes where Inhabitants do not assemble in open Vestry.

of the said Churchwardens to ascertain according to the Manner herein-after mentioned whether or not a Majority of the Rate-payers of the said Parish do wish and require that this Act and the Provisions thereof should be adopted therein; and which Requisition may be in the Form or to the Tenor and Effect following; (that is to say,)

Form of Requisition.

'To the Churchwardens of the Parish of [*insert here the Name of the Parish*].

'WE, whose Names are hereunto subscribed, being Rate-payers 'resident in the said Parish, and respectively rated or assessed to 'the Relief of the Poor thereof, do hereby require you the said Church-'wardens to ascertain and determine the Adoption or Non-adoption 'of an Act of the Second Year of the Reign of King *William* the 'Fourth, Chapter , intituled *An Act* [*here insert the 'Title of the Act*].

'Dated this Day of in the Year of our 'Lord .'

Upon Receipt of Requisition, Churchwarden to give Notice of Time and Place for receiving Votes.

III. And be it further enacted, That the said Churchwardens of the said Parish shall on the first *Sunday* in the Month of *March* next after the Receipt of such Requisition affix or cause to be affixed a Notice to the principal Doors of every Church and Chapel within the said Parish, specifying some Day not earlier than Ten Days and not later than Twenty-one Days after such *Sunday*, and at what Place or Places within the said Parish, the Rate-payers are required to signify their Votes for or against the Adoption of this Act; which Votes shall be received on Three successive Days, commencing at Eight of the Clock in the Forenoon and ending at Four of the Clock in the Afternoon of each Day; and the said Notice shall be to the following Effect:

Form of Notice.

'THE Churchwardens of this Parish [*insert here the Name of the 'Parish*] having received a Requisition duly signed according 'to the Provisions of an Act of the Second Year of the Reign of '*William* the Fourth, Chapter , for the better Regulation 'of Vestries, the Rate-payers of this Parish of [*insert here the Name 'of the Parish*] are hereby required, all and each of them, on the 'Day of next, and the Two following Days, 'to signify to the said Churchwardens by a Declaration, either 'printed or written, or partly printed or partly written, addressed 'and delivered to One of the Churchwardens at '[*insert here the Place*], their Votes for or against the Adoption of 'the aforesaid Act for the better Regulation of Vestries by the 'Rate-payers of this Parish.

'(Signed) Churchwardens.'

Form of Declaration.

IV. And be it further enacted, That the said Declaration shall be to the following Effect:

'I *A.B.* of Street [*or* Place *or* House] in this 'Parish of vote [for *or* against, *as the Case may be*,] 'the Adoption of the Act of the Second Year of the Reign of '*William* the Fourth, Chapter , for the better Regulation 'of Vestries by this Parish.'

V. And be it further enacted, That the said Churchwardens shall carefully examine the Votes to them delivered as aforesaid, and shall compare them with the last Rate made for the Relief of the Poor of the said Parish, and shall be empowered to call before them and examine any Parish Officer touching the said Votes, or any Rate-payer so giving his Vote, and after a full and fair Summing-up of the said Votes shall, by public Notice according to the Form and Manner herein-after prescribed, declare whether or not Two Thirds of the Votes given have been given in favour of the Adoption of the said Act: Provided always, that the whole Number of Persons voting shall be a clear Majority of the Rate-payers of the Parish: Provided also, that the Adoption or Non-adoption of this Act shall be decided by such Number of Votes as aforesaid.

Churchwardens to declare whether the Votes are in favour of adopting this Act.

VI. Provided always, and be it further enacted, That any of the Rate-payers of the aforesaid Parish, not exceeding Five together, may inspect, at or in the Vestry Room, or in some convenient Place within the same Parish, and they are hereby empowered to inspect the Votes so given for and against the Adoption of this Act, at all seasonable Times within One Month after such Notice shall have been given; and the Churchwardens of the said Parish are hereby required carefully to preserve the said Votes, and freely to permit and allow the Examination thereof by the aforesaid Rate-payers of the said Parish at such seasonable Times within the Period aforesaid.

Rate-payers may inspect Votes.

VII. Provided always, and be it enacted, That no Person shall be deemed a Rate-payer, or be entitled to vote, or do any other Act, Matter, or Thing as such under the Provisions of this Act, unless he or she shall have been rated to the Relief of the Poor for the whole Year immediately preceding his so voting or otherwise acting as such Rate-payer, and shall have paid all the Parochial Rates, Taxes, and Assessments due from him or her at the Time of so voting or acting, except such as have been made or become due within the Six Months immediately preceding such voting.

No Person to vote unless he has been rated One Year.

VIII. And be it further enacted, That Notice of the Adoption of this Act by any Parish shall be forthwith given by the Churchwardens for the Time being of the said Parish in the *London Gazette* and in One or more of the public Newspapers circulating in the County in which the said Parish may be situated, and by affixing a Notice of the same to the principal Doors of every Church and Chapel within the said Parish; which Notice shall be to the following Effect:

Notice of Adoption of the Act.

'Parish of [*here insert Name of Parish*].

'NOTICE is hereby given, That the above-named Parish has 'adopted the Act of the Second Year of the Reign of King 'William the Fourth, Chapter , intituled *An Act* [*here insert* 'the Title of the Act]; and that the Numbers of the Majority and 'Minority of Votes given for and against the Adoption of the said

'Act

'Act are as follows; that is to say, Votes for the Adoption 'thereof, and Votes against the Adoption thereof.
'Dated this Day of in the Year of our 'Lord .
'(Signed) Churchwardens.'

No similar Requisition to be made within Three Years.

IX. Provided always, and be it further enacted, That if the Rate-payers shall determine, in the Manner as aforesaid, against the Adoption of this Act, then and in that Case it shall not be lawful to make another Requisition for the same Purposes within Three Years after such Determination.

This Act to take effect in all Parishes in which its Adoption has been notified.

X. And be it further enacted, That in any Parish in which public Notice of the Adoption of this Act in the Manner as aforesaid shall be so made and given, this Act shall immediately become the Law for electing Vestrymen and Auditors of Accounts of the said Parish in manner herein-after mentioned.

Penalties on Churchwardens and others refusing to call Meetings, &c.

XI. And be it further enacted, That if any Churchwarden, Rate-collector, Overseer, or other Parish Officer shall refuse to call Meetings according to the Provisions of this Act, or shall refuse or neglect to make and give the Declarations and Notices directed to be made and given by this Act, or to receive the Vote of any Rate-payer as aforesaid, or shall in any Manner whatsoever alter, falsify, conceal, or suppress any Vote or Votes as aforesaid, such Churchwarden, Rate-collector, Overseer, or other Parish Officer shall be deemed and taken to be guilty of a Misdemeanor.

Notices of Election to be given.

XII. And be it further enacted, That on some *Sunday* at least Twenty-one Days previously to the Day of annual Election of Vestrymen, Notice of Election, pursuant to this Act, signed by the Churchwardens, shall be affixed to the principal Doors of every Church and Chapel of the said Parish, and at other usual Places, in the following Terms:

'Parish of [*here insert Name of Parish*].
'THE Parishioners duly qualified according to the Provisions of 'the Act of the Second Year of the Reign of King *William* 'the Fourth, intituled *An Act* [*here insert the Title of the Act*] 'are hereby required to meet at on the Day of 'conformably to the Provisions of the said Act, and 'then and there to consider of and elect fit and proper Persons to be 'Vestrymen and Auditors of Accounts of the Parish of 'for the ensuing Year; that is to say,
'Members of the Vestry.
'Auditors of Accounts.'

Rate-collectors, &c. may be summoned to assist at the Election.

XIII. And be it further enacted, That the Churchwardens may summon the Rate-collectors to attend them on the said Day of annual Election, in order to assist them in ascertaining that the Persons presenting themselves to vote are Parishioners rated to the Relief

Relief of the Poor of the said Parish, and duly qualified to vote at the said Election.

Form of proceeding at annual Elections.

XIV. And be it further enacted, That on the Day of annual Election for Vestrymen and Auditors in any Parish adopting this Act, each Parishioner then rated, and having been rated to the Relief of the Poor One Year, desirous of voting, do meet at the Place appointed for such Election, then and there to nominate Eight Rate-payers of the said Parish as fit and proper Persons to be Inspectors of Votes, Four of such Eight to be nominated by the Churchwardens, and the other Four to be nominated by the Meeting; and after such Nomination the said Parishioners shall elect such Parishioners duly qualified as may be there proposed for the Offices of Vestrymen and Auditors; and the Chairman shall at such Meeting declare the Names of the Parishioners who have been elected by a Majority of Votes at such Meeting.

A Ballot may be demanded.

XV. Provided always, and be it further enacted, That any Five Rate-payers may then and there, in Writing or otherwise, demand a Poll, which shall be taken by Ballot, each Rate-payer delivering to the aforesaid Inspectors Two folded Papers, one of which Papers shall contain the Names of the Persons for whom such Parishioner may vote as fit and proper to be Members of the Vestry, and the other shall contain the Names of the Persons for whom such Parishioner may vote as fit and proper to be Auditors of Accounts: Provided always, that each Rate-payer shall have One Vote and no more for the Members of the Vestry, and One Vote and no more for the Auditors of Accounts to be chosen in the said Parish.

Mode of voting.

XVI. And be it further enacted, That the Inspectors of Votes shall deposit the said folded Lists, without previously opening the same, in Two separate Sets of balloting Glasses or Boxes, one Set for the Vestry Lists, and another for the Auditors Lists; and that the said balloting Glasses or Boxes shall be closed at the Time fixed for the Termination of the voting, that is, at Four of the Clock of the Afternoon of the last Day of Election.

Duty of Inspectors.

XVII. And be it further enacted, That after the Close of the said Ballot the aforesaid Inspectors shall proceed to examine the said Votes, and if necessary shall continue the Examination by Adjournments from Day to Day, not exceeding Four Days, *Sunday* excepted, until they shall have decided upon the Persons duly qualified according to the Provisions of this Act who may have been chosen to fill the aforesaid Offices.

In case of Equality of Votes.

XVIII. And be it further enacted, That if an Equality of Votes should appear to the aforesaid Inspectors to be given for any Two or more Persons to fill any or either of the said Offices, in that Case the Inspectors shall decide by Lot upon the Person or Persons so to be chosen.

Penalty for forging or falsifying any

XIX. And be it further enacted, That if any Person do forge or in any way falsify any Name or Writing in any Paper or List purporting

voting List, or obstructing the Election.

to contain the Vote or Votes of any Parishioner as aforesaid so voting for Vestrymen or Auditors, or do by any Contrivance attempt to obstruct or prevent the Purposes of such Mode of Election, the Persons so offending shall, upon Information laid, and Conviction before any Two or more Justices of the Peace having Jurisdiction in the Parish so adopting this Act, be liable to a Penalty of not less than Ten and not more than Fifty Pounds, and in default of Payment thereof shall be imprisoned for a Term not exceeding Six nor less than Three Months; and any Fine so levied shall be given, Half to the Informer who shall have informed against the Person so offending, and the other Half to the Poor of the Parish in which the said Offence shall have been committed.

Public Notice to be given of Vestrymen and Auditors chosen by Parishioners.

XX. And be it further enacted, That the aforesaid Inspectors shall, immediately after they shall have decided upon whom the aforesaid Elections have fallen, deliver to the Churchwardens, or to one of them, serving for the Parish so adopting this Act, a List of the Persons chosen by the Parishioners to act as Vestrymen and Auditors of Accounts; and the said List, or a Copy thereof, shall be affixed to the Doors of the Churches and Chapels or other Places chosen for the Purposes of public Notice in the said Parish.

Penalty on Inspector for making incorrect Return.

XXI. And be it further enacted, That if any Inspector as aforesaid shall wilfully make or cause to be made an incorrect Return of the said Votes, every such Offender shall, upon Information laid by any Person before Two or more Justices of the Peace having Jurisdiction in the said Parish, and upon Conviction for such Offence, be liable to a Penalty of not less than Twenty-five Pounds and not exceeding Fifty Pounds.

Elections to be annual.

XXII. And be it further enacted, That in all Parishes adopting this Act the Meeting of Parishioners for the Election of the Vestrymen and Auditors of Accounts by the Parishioners shall take place in the Month of *May* in every Year: Provided always, that when a Ballot is demanded at such Election the same shall commence on the following Day, and continue for Three successive Days, commencing at Eight of the Clock in the Forenoon and closing at Four of the Clock in the Afternoon on each Day: Provided also, that the Day on which such Elections shall commence shall in the first instance be appointed by the Churchwardens of the Parishes adopting this Act, but in every subsequent Year shall be appointed by the Vestry: Provided always, that when by reason of the Populousness of any Parish the said Parish shall have been or shall be divided into Districts for Ecclesiastical or other Purposes, then and in that Case the said Votes shall be taken, according to the aforesaid Mode of Election, in some convenient Place, at the Discretion of the Churchwardens, in each of the several Districts of the said Parish.

Vestry to consist of not less than 12 nor more than 120 Householders.

XXIII. And be it further enacted, That in all Parishes adopting this Act the Vestry appointed and elected as herein-before mentioned shall, when the said Act shall come into full Effect, consist of a certain Number of resident Householders; that is to say, Twelve Vestrymen for every Parish in which the Number of rated Householders

holders shall not exceed One thousand; and Twelve other additional Vestrymen, that is, Twenty-four Vestrymen, for every Parish in which the rated Householders shall exceed One thousand; and Twelve other additional Vestrymen, that is, Thirty-six Vestrymen, for every Parish in which the Number of rated Householders shall exceed Two thousand; and so on at the Proportion of Twelve additional Vestrymen for every Thousand rated Householders: Provided always, that in no Case the Number of Vestrymen shall exceed One hundred and twenty: Provided always, that in any Parish wherein a greater Number of Vestrymen are given by special Act of Parliament than the Proportions aforesaid will amount to, that then the Number of Vestrymen shall remain the same as given by such Act of Parliament; and provided always, that the Rector, District Rectors, Vicar, Perpetual Curate, and Churchwardens of the said Parish shall constitute a Part of the said Vestry, and shall vote therein, in addition to the Vestrymen as aforesaid elected under this Act: Provided always, that no more than One such Rector or other such Minister as aforesaid, from any One Parish or Ecclesiastical District as aforesaid, shall *ex officio* be a Part of or vote at any Vestry Meeting.

Proportion of existing Vestry to go out of Office at each of Three first Elections under this Act.

XXIV. And be it further enacted, That at the first Election for Vestrymen after the Adoption of this Act, in any Parish, One Third of the then existing Vestry, or the nearest Number thereto, but not exceeding the same, shall retire from Office, (such Portion to be determined by Lot,) and the Parishioners duly qualified shall elect a Number of Vestrymen equal to One Third of the Vestry, to be chosen according to the Provisions of this Act; and that on the next ensuing annual Election for Vestrymen One Half, or as nearly as may be One Half, of the remaining Part of the first aforesaid Vestry shall retire from Office, (such Portion to be determined by Lot,) and the Parishioners duly qualified shall again elect a Number of Vestrymen equal to One Third of the Vestry, to be chosen according to the Provisions of this Act; and that on the next, that is to say, the third annual Election for Vestrymen, the last remaining Portion of the Vestry as aforesaid shall retire from Office, and the Parishioners duly qualified shall elect Vestrymen in like Manner and Number as at the Two preceding Elections, so as to fill up the Vestry to the exact Number of Vestrymen prescribed by this Act.

Vestrymen to quit Office after Three Years, and One Third of the whole Number to be elected annually.

XXV. And be it further enacted, That at every subsequent annual Election those Vestrymen who have been Three Years in Office shall go out of Office, and the Parishioners shall elect, according to the Provisions of this Act, other Vestrymen, to the Number of One Third of the total Number of which such Vestry shall consist, as also fill up any Vacancies which may have occurred from Death or other Causes: Provided always, that any or all of the Vestrymen so going out by Rotation may be immediately eligible for Re-election.

Qualifications of Vestrymen.

XXVI. And be it further enacted, That the Vestry elected under this Act in any Parish not within the Metropolitan Police District or the City of *London* shall consist of resident Householders rated or assessed to the Relief of the Poor upon a Rental of not less than

than Ten Pounds; and no Person shall be capable of acting as one of the said Vestry unless he shall be the Occupier of a House, Lands, Tenements, or Hereditaments rated or assessed upon the aforementioned Amount of Rental within the Parish for which he is to serve: Provided always, that if the Parish adopting this Act should be within the Metropolitan Police District or the City of *London*, or if the resident Householders therein should amount to more than Three thousand, then and in that Case the Vestry elected under this Act shall consist of resident Householders rated or assessed to the Relief of the Poor of such Parish upon a Rental of not less than Forty Pounds *per Annum*.

Vestries appointed after the Adoption of this Act to exercise the Authority of former Vestries.

XXVII. And be it further enacted, That from and after the Adoption of this Act in any Parish, the Vestry shall exercise the Powers and Privileges held by any Vestry now existing in such Parish, and the Authority of such Vestry may be pleaded before any Justice or Justices of the Peace, or in any Court of Law, in regard to all Parochial Property, or Monies due, or Holdings or Contracts, or other Documents of the like Nature, formerly under the Controul or in the Keeping of the said Vestry of the said Parish; and all Parish Officers or Boards shall account to them in like Manner as they have accounted to the said Vestry: Provided always, that nothing in this Act shall be deemed, construed, or taken to repeal, alter, or invalidate any Local Act for the Government of any Parish by Vestries, or for the Management of the Poor by any Board of Directors and Guardians, or for the due Provision for Divine Worship within the Parish, and the Maintenance of the Clergy officiating therein, otherwise than is by this Act expressly enacted regarding the Election of Vestrymen and Auditors of Accounts.

Not to affect Local Acts regarding Vestries, Divine Worship, &c. except as herein expressed.

The Acts of a Quorum of the Vestry at any Meeting to be considered as the Acts of the Vestry.

XXVIII. And be it further enacted, That all Powers or Duties to be performed by the Vestry of any Parish adopting this Act may be exercised and performed respectively by the major Part of such Vestry assembled at any Meeting, there not being less than Five Vestrymen present at a Meeting of a Vestry which consists of Twelve or more elected Vestrymen and not exceeding Twenty-three, and not being less than Seven Vestrymen present at a Meeting of a Vestry which consists of Twenty-four or more elected Vestrymen and not exceeding Thirty-five, and not being less than Nine Vestrymen present at a Meeting of a Vestry which consists of Thirty-six elected Vestrymen or upwards; and all Orders and Directions given and all Contracts and Engagements entered into by the Vestrymen present at any such Meeting, or the major Part of them then assembled, shall be as valid and effectual as if the same were done by all the said Vestrymen for the Time being, and shall be binding and conclusive on all such Vestrymen, provided that the same is confirmed at the next subsequent Meeting of the Vestry.

Meetings not to be held in the Church.

XXIX. And be it further enacted, That in any Case in which the Vestry Room of any Parish in any City or Town shall not be sufficiently large and commodious for any Vestry Meeting, such Meeting shall be held elsewhere within the said Parish or Place, but not in the Church or Chapel thereof.

XXX. And

Meeting to elect a Chairman.

XXX. And be it further enacted, That at every Meeting of any Vestry, in the Absence of the Persons authorized by Law or Custom to take the Chair, the Members present shall elect a Chairman for the Occasion before proceeding to other Business.

Proceedings to be entered in Books, to be open to Inspection.

XXXI. And be it further enacted, That the Vestry of every Parish adopting this Act shall cause to be provided and kept a proper Book or Books, and proper Entries to be made therein of the Names of the several Vestrymen who shall attend the respective Meetings of the Vestry, and of all Orders and Proceedings made or taken at such Meetings; and all such Books shall at all reasonable Times be open to the Inspection of the said Vestrymen, and of any Person rated or assessed to the Relief of the Poor of the said Parish, and of any Creditor on the Rates of the said Parish, without Fee or Reward; and the said Vestrymen, Persons, and Creditors, or any of them, shall and may take Copies of or Extracts from such Books respectively, without paying any thing for the same; and in case the Clerk to the said Vestry, or other Person having the Care of such Books, shall refuse to permit or shall not permit the said Vestrymen or such Persons or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Ten Pounds for every such Offence.

Account Books to be kept, and be open to Inspection.

XXXII. And be it further enacted, That the said Vestry shall and they are hereby required to cause a Book or Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and disbursed for or on account of Parochial Purposes, and of the several Articles, Matters, and Things for which such Sums of Money shall have been so received and disbursed; which Book or Books shall at all seasonable Times be open to the Inspection of the said Vestrymen, and of any Person or Persons rated to the Relief of the Poor of the said Parish, and of any Creditor or Creditors on the same, without Fee or Reward; and the said Vestrymen and Persons and Creditors as aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Clerk to the said Vestrymen, or other Person with whom such Books shall remain, shall on any reasonable Demand refuse to permit or shall not permit the said Vestrymen, Persons, or Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk or other Person as aforesaid shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Auditors to be chosen annually.

XXXIII. And be it further enacted, That in any and every Parish adopting this Act the Parishioners duly qualified to vote for Vestrymen as aforesaid shall elect Five Rate-payers of the said Parish who shall have signified in Writing their Assent to serve to be Auditors of Accounts, which Auditors shall be so elected on the first Day on which the Vestrymen shall be chosen after such Parish shall have adopted this Act, and according to the same Forms of voting as are herein-before prescribed for the Election of the said Vestry: *Provided always*, that no Person shall be eligible to fill the said Office of

Qualification.

Auditor of Accounts who shall not be qualified according to the Provisions of this Act, as herein-before stated, to fill the Office of Vestryman for the said Parish; and provided always, that no Person shall be eligible to fill the said Office of Auditor of Accounts who shall be one of the Vestry for the said Parish; and if any Person on the Day of annual Election shall be chosen to be both a Member of the Vestry and an Auditor of Accounts, the said Vestry at their first Meeting after such Election shall declare the said Person incapable of acting as Vestryman: Provided also, that no Person shall be eligible to fill the said Office of Auditor of Accounts who shall be interested, either directly or indirectly, in any Contract, Office, Business, or Employ, or in providing or supplying any Materials or Articles for the Parish for which he is to serve; and any Person who shall be discovered, after his Election, to be so interested, shall cease to be an Auditor.

Further Qualifications of Auditors.

Disqualification.

Mode of Audit.

XXXIV. And be it further enacted, That the aforesaid Auditors of Accounts shall meet Twice at least in each Year, at the Board Room of the Vestry, and (a Majority of the said Auditors being present at such Meetings) shall proceed to audit the Accounts of the said Vestry for the preceding Half Year, in Presence of the Vestry Clerk; and the said Vestry are hereby required, by their said Clerk, to produce and lay before the said Auditors at every such Meeting a true and just Statement or Account in Writing, accompanied with proper Vouchers, of all Sums of Money which may have come to the Hands of the said Vestry or of their Treasurer, and also of all Monies paid, laid out, or expended by them, or by any Churchwardens, Overseers, Surveyors, or other Persons by them employed, and responsible to the said Vestry, since the last Period up to which the Accounts of the said Vestry were audited; and in all Parishes in which other Boards shall have Controul over any Part of the Parochial Expenditure, the said Auditors shall have the same Power of examining the Accounts and Officers thereof as of examining the Accounts and Officers of the Vestry, and shall audit the Accounts of the said Boards in the same Manner as they audit the Accounts of the said Vestries.

Auditors may call for Persons and Books.

XXXV. And be it further enacted, That the said Auditors shall have Power to summon and call before them, by a Writing for that Purpose, signed by any one of them, or by the Clerk of the Vestry of any Parish adopting this Act, any Parish Officer or other Person or Persons whatsoever concerned in the said Accounts, and to require of him or her or them to attend the said Auditors at any Meeting or adjourned Meeting, and to bring with them all Books of Accounts, Writings, Papers, and Documents required, which may concern the said Accounts, and to give such Information as to the Particulars of such Accounts as he, she, or they shall be enabled to give; and any Parish Officer or other Person refusing so to attend, or otherwise wilfully obstructing the Purposes of such Inquiry, shall be deemed guilty of a Misdemeanor.

Accounts to be signed by Auditors.

XXXVI. And be it further enacted, That the said Accounts, when audited and approved by the said Auditors, or by the major Part of them,

them, shall be by them signed in the Presence of the Clerk of the aforesaid Vestry of any Parish adopting this Act, and the said Clerk of the Vestry shall also affix his Signature to the same; and it shall be lawful for the aforesaid Auditors to subjoin such Remarks thereto as to them shall seem meet.

Accounts, after Audit, to be open to Inspection.

XXXVII. And be it further enacted, That the said Accounts, when so audited and signed, shall remain at the Office of the Clerk of the said Vestry; and that the said Accounts shall after such Audit be open and accessible for the Examination, at all seasonable Times, of any Person rated to the Relief of the Poor of the said Parish, and of any Creditor on the Rates thereof: Provided always, that nothing in this Act contained relative to the Appointment and Duty of Auditors shall debar the Parishioners from any Remedy by them before possessed by the Law of the Land.

Abstracts of Accounts to be published Fourteen Days after being audited.

XXXVIII. And be it further enacted, That an Abstract of the Accounts of all Monies received and disbursed by the Vestry in any Parish adopting this Act shall Twice in every Year, within Fourteen Days after the same shall have been audited in manner in this Act mentioned, be made out by the said Vestry, either in Writing or in Print, and a Copy of such Abstract shall be delivered to all Person applying for the same, and rated or assessed to the Relief of the Poor of the said Parish, such Person paying One Shilling for the same; and which Copies the said Clerk is hereby required to cause to be published either in Writing or Print, and distributed accordingly.

Vestry to make out and publish yearly a List of Estates, Charities, and Bequests, &c., with the Application thereof.

XXXIX. And be it further enacted, That in any Parish adopting this Act the Vestry shall cause to be made out, once at least in every Year, a List of the several Freehold, Copyhold, and Leasehold Estates, and of all charitable Foundations and Bequests, if any, belonging to the said Parish, and under the Controul of the said Vestry, the said List to contain a true and detailed Account of the Place where such Estate or charitable Foundation may be situate, or in what Mode and Security such Bequest may be invested, specifying also the yearly Rental of each, and the particular Appropriation thereof, together with the Names of the Persons partaking of their Benefit (except where such Benefit shall be allotted to the Poor of the Parish generally), and to what Amount in each Case, and also stating the Name and Description of the Persons in whom such Estates are vested, and the Names and Description of the Trustees for each Charity: Provided always, that the aforesaid List shall be open for the Inspection of the Rate-payers, at the Office of the Vestry Clerk, at the same Time with the Accounts, when audited according to the Provisions of this Act.

Saving of Ecclesiastical Jurisdiction.

XL. Provided always, and be it further enacted, That this Act or any thing therein contained shall not extend or be construed to extend to invalidate or avoid any Ecclesiastical Law or Constitution of the Church of *England*, save and except so far as concerns the Appointment of Vestries, or to destroy any of the Rights or Powers belonging to the Archbishops, Bishops, Deans, or other of the Clergy of the said Established Church, either as Individuals or as Corporate

Corporate Bodies, or in anywise to abridge or controul their ordinary Jurisdiction over or relating to any Matter or Thing respecting the Ministers thereof.

Meaning of Terms used in this Act.

XLI. And in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Words "Person" and "Party" shall be deemed to include any Number of Persons or Parties; and that the Words "Justices of the Peace of the County or City" shall be deemed to include Justices of the Peace of any Division of a County, Liberty, Division of a Liberty, Precinct, County of a City, County of a Town, Cinque Port, or Town Corporate; and that the Word "Parish" shall be deemed to include any Liberty, Precinct, Township, Hamlet, Tithing, Vill, Extra-parochial Place, or any Place maintaining its own Poor; and that the Word "Rate-payers" shall include "Ley-payers;" and that the Meaning of the several Words in this Act shall not be restricted, although the same may be subsequently referred to in the Singular Number or Masculine Gender only.

As to affixing Notices.

XLII. And be it further enacted, That the Words "Church or Chapel," insomuch as regards the affixing of Notices as by this Act directed, shall be deemed to include all Places of Religious Worship according to the Forms of the Established Church; and that in any Parish or Place not having a Parish Church or Chapel as aforesaid the said Notices shall be affixed to some public Building within the Limits of the said Parish or Place.

Act not to extend to Parishes where not more than 800 Rate-payers, except in Cities or Towns.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any Parish not being within or being Part of any City or Town, in which Parish there shall not be a greater Number than Eight hundred Persons rated as Householders, and having paid the Rates for the Relief of the Poor within the Year preceding that in which the Provisions of this Act may be desired to be put in execution within such Parish.

Public Act.

XLIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without the same being specially pleaded.

LONDON: Printed by George Eyre and Andrew Spottiswoode, Printers to the King's most Excellent Majesty. 1831.

IV. And be it enacted, That no Contract for the making, erecting, repairing, or enlarging any Public Work to be entered into by virtue of this Act, or of the said recited first Act of the Third and Fourth of *William* the Fourth, shall be liable to any Stamp Duty. No Stamp Duty on Contracts.

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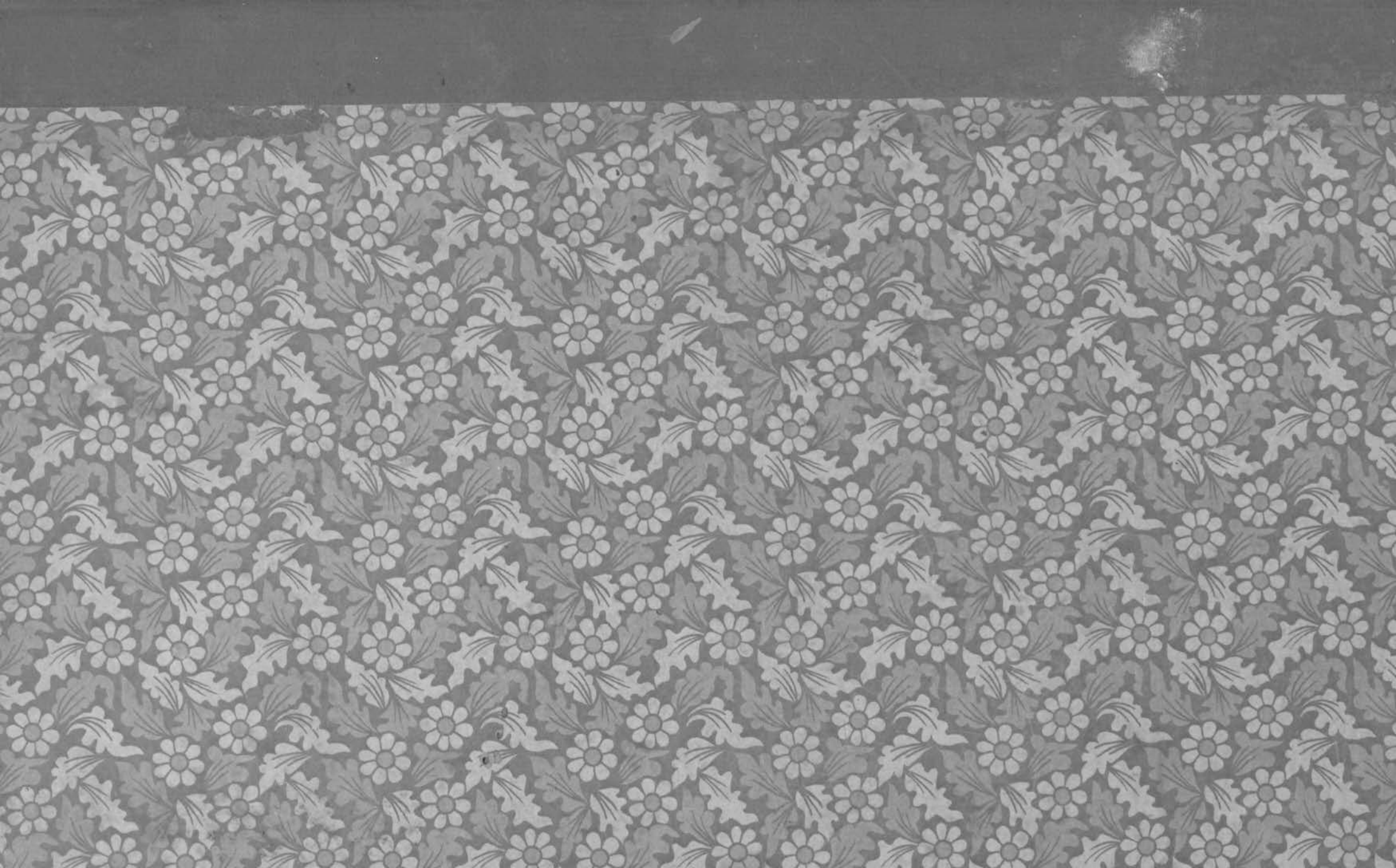
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